

# 2009 Human Rights Report: Moldova

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BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR  
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Moldova is a republic with a form of parliamentary democracy. The country has an estimated total population of 3.95 million, including 532,000 in the secessionist-controlled region of Transnistria. An estimated 900,000 citizens, including approximately 250,000 Transnistrians, lived outside the country. The constitution provides for a multiparty democracy with legislative and executive branches, as well as an independent judiciary and a clear separation of powers between them; however, under the previous government led by the Party of Communists (PCRM), which was in power until September 25, the three branches of government were heavily influenced by the president. On April 5, the country held parliamentary elections that failed to fully comply with international standards. In that election the ruling PCRM increased its previous majority in parliament. Following that parliament's failure to elect a president, as prescribed by law, new parliamentary elections took place on July 29, and the four opposition parties won enough seats to establish a governing coalition, known as the Alliance for European Integration, which entered office on September 25. International observers noted some of the same problems in the July elections as in April but also reported improvement in the electoral process. On September 11, parliament appointed Mihai Ghimpu interim president. Civilian authorities generally maintained effective control of the security forces.

Security forces committed killings and engaged in widespread beatings and unlawful detentions during and after the April 7-8 election-related protests. Security forces beat persons in custody and while apprehending them, and they held some persons in incommunicado detention. Prison conditions remained harsh. Under the previous government, security forces occasionally harassed and intimidated the political opposition and media. There were reports of police corruption, arbitrary detention by police, and occasional illegal searches. The government attempted to influence the media and intimidate journalists, maintained some restrictions on freedom of assembly, and refused official registration to some religious groups. Judicial corruption was a problem. Persistent societal violence and discrimination against women and children, trafficking of women and girls for sexual exploitation and men for labor, discrimination against Roma, difficulties registering minority religious groups, limits on workers' rights, and child labor were also reported.

Following the April 5 parliamentary election and announcement that the PCRM had increased its majority, a group of between 10,000 and 15,000 persons gathered in Chisinau on April 7 to protest the election results. Protesters initially demonstrated peacefully, and police largely stood by and did not intervene. During the course of the day, a small group of demonstrators began to throw rocks at the police. Violence intensified as protestors set fire to the parliament building and severely damaged the presidential building. Several protesters and approximately 200 police officers were injured. After midnight, as police used force in an attempt to disperse the remaining demonstrators; human rights groups alleged that security forces killed as many as three persons. That night and during the days that followed, police arrested more than 300 demonstrators; many reported being beaten and abused while being taken into custody and while in detention. During the days that followed, security forces conducted a campaign of harassment and intimidation against members of the political opposition, journalists, and others assumed to be

opponents of the PCRM government. Plainclothes police abducted and detained persons suspected of involvement in the protests. Security forces beat journalists and destroyed cameras; plainclothes police abducted and detained the editor of an independent newspaper. Police visited high schools and universities, seeking the identities of protesters and threatening students with expulsion if they participated in protests. Following the disturbances on the night of April 7-8, crowds declined rapidly, and demonstrations ceased within a few days. The arbitrary arrests also ceased. In 1990 separatists supported by Soviet military forces declared a "Transdniester Moldovan Republic" (Transnistria) in the area along the eastern border with Ukraine. The central government had very limited authority in the region, and Transnistrian authorities governed through parallel administrative structures. The most commonly spoken language in the region was Russian, although many Transnistrians spoke Romanian and Ukrainian as their mother tongue. A 1992 ceasefire agreement established a tripartite peacekeeping force composed of Moldovan, Russian, and Transnistrian units. Transnistrian residents were prevented from voting in both rounds of Moldova's parliamentary elections in April and July. Transnistrian authorities held "legislative" elections in 2005 and "presidential" elections in 2006. Transnistrian elections were neither recognized nor monitored by international organizations.

In Transnistria authorities restricted the ability of residents to freely change their government and interfered with the ability of Moldovan citizens living in Transnistria to vote in Moldovan elections. Transnistrian residents were expected to vote in the 2005 and 2006 Transnistrian elections, but some individuals were unable to freely run as candidates, while authorities prevented the media from reporting freely on candidates or issues. Torture and arbitrary arrest and detention continued to be reported, and prison conditions remained harsh. Transnistrian authorities continued to harass independent media and opposition lawmakers; restrict freedom of association, movement, and religion; and discriminate against Romanian speakers. Trafficking in persons was a problem.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1 Respect for the Integrity of the Person, Including Freedom From:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

Nongovernmental organizations (NGOs) alleged that government agents committed unlawful killings in connection with the postelection violence on April 7-8. The Council of Europe (COE) commissioner for human rights noted that three persons were found dead in Chisinau shortly after the postelection violence.

NGOs accused police of beating to death Valeriu Boboc, age 23, during demonstrations at the parliament building and presidency on the night of April 7-8. Witnesses reported seeing police beat Boboc in front of the main government building with truncheons and rifle butts. A British forensics expert examined Boboc's body after it was exhumed on June 15 and concluded that Boboc was killed by severe blows to his head, which provoked a "diffuse injury of the brain" shortly before his death. Experts working for the PCRM government, however, concluded that Boboc's head and facial injuries could not have led to his death and at first attributed his death to poisoning by an unknown gas. The COE commissioner for human rights noted that the injuries revealed in the autopsy "clearly indicate that the person was beaten" but concluded that "it was not certain whether the beating alone was the cause of death." Ion Matusenco, the prosecutor investigating Boboc's case, resigned on July 31 and was replaced by another prosecutor. At year's end there were no further developments in the case.

On April 8, the body of Ion Tabuleac was found on a road approximately a mile and a half outside the Chisinau city center. According to the autopsy report, the body showed evidence of internal and external injuries, including multiple bone fractures. The local medical expert concluded that the injuries to the body were consistent with a fall from a height. While there was no evidence directly linking Tabuleac to the previous night's protests, the timing of the death and nature of his injuries led observers to speculate that his death was likely connected to the protests and related violence.

Eugen Tapu was also found dead shortly after the April 7 protests. On April 16, Tapu's father was summoned by police to Chisinau to retrieve his son's body, which was severely decayed and showed signs of beating. The elder Tapu was told at the morgue that his son had hanged himself with shoestrings. Oleg Rusu, the prosecutor investigating the case, stated that the dead body was found on April 15, but that the death occurred approximately two weeks before that date. Following the determination of suicide, prosecutors did not initiate court proceedings.

#### **b. Disappearance**

There was one report of a potentially politically motivated disappearance. Gheorghe Ionel, mayor of Vorniceni village and member of the then-opposition party, Our Moldova Alliance (AMN), was arrested by police on February 27 on charges of abusing his authority, but was acquitted by Straseni District Court. While the judge was reading the judgment of acquittal, police surrounded the courthouse and forced their way into the courtroom. During the commotion Ionel disappeared and remained incommunicado through year's end. It was not clear whether he was taken into custody or was sequestered by friends or AMN officials for his own protection. At year's end, Ionel's whereabouts remained unknown.

#### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The law prohibits such practices and criminalizes inhuman treatment and torture; however, police used cruel and degrading arrest and interrogation methods and guards beat prison inmates. Under the law, inhuman treatment carries a sentence of eight to 15 years' imprisonment; torture carries a sentence of 16 to 25 years. Coercing an individual to testify is punishable by up to three years' imprisonment and if such coercion involves cruel, inhuman, or degrading treatment, it is punishable by three to eight years' imprisonment. Torture inflicted by an official in order to punish, intimidate, or obtain information from a person is punishable by two to five years' imprisonment.

Although the law provides torture victims the right to file complaints, in practice they had little chance of being heard under the previous government. At times courts declined to hear their complaints, and long delays in legal process caused petitioners to abandon their claims. Victims carried the burden of proving that they had been mistreated, which was difficult since prisoners often remained in detention for months before having access to courts. By the time they were able to appear in court, the physical evidence of abuse had disappeared. Following the change in power, the new government established an April 7 commission which heard the cases of those detained after the demonstrations; police were prosecuted for related abuses.

Local and international NGOs reported widespread incidents of abuse and torture of persons detained after the April 7-8 demonstrations. The Moldovan Institute for Human Rights, which interviewed detainees, reported that nearly all who were arrested were abused. According to local NGOs, 81 percent of persons detained following the April 7-8

demonstrations alleged that they were beaten while being apprehended, and 64 percent claimed that they were subsequently beaten and abused in police custody.

According to a December 14 report by the COE Committee for the Prevention of Torture (CPT), members of the "Fulger" special purpose police force figured prominently in reports of excessive force and mistreatment during the demonstrations. During the afternoon of April 7, Fulger members threw approximately three stun grenades into crowds of protesters, causing injuries that included burns and ear and brain trauma. At approximately 1:00 a.m. the following morning, Fulger members, allegedly wearing ski masks in addition to their police helmets, initiated mass arrests of all persons remaining in or near the square in front of the government building. Officers from the Chisinau General Police Directorate assisted the Fulger officers. During these arrests officers allegedly kicked demonstrators and struck them with batons and the butts of firearms.

Once in police custody, methods of physical abuse included beatings by multiple persons, burning with cigarettes, exposure to cold, and deprivation of food and sleep. Methods of psychological abuse included threats of death or long-term imprisonment, restriction of communication with the outside world, forced signing of false confessions, and being forced to strip in front of interrogators. Local NGO Memoria reported approximately seven cases of rape and sexual abuse by police officers. Memoria also reported that women and girls were subjected to other types of degrading treatment, including being forced to do push-ups and sit-ups while naked. These abuses were not widely publicized because of victims' embarrassment and reluctance to come forward. According to the Prosecutor General's Office, most abuses occurred at the time of apprehension; during transport to a detention facility; and within detention facilities, including during questioning designed to extract a confession. The abuse did not continue after sentencing.

The COE commissioner for human rights visited the country on April 25-28. The majority of persons interviewed by the commissioner's delegation reported that police physically abused them on the night of April 7-8. In most cases the victims of abuse were under the age of 25. In his report on the visit, the commissioner noted claims that prisoner abuse led to loss of consciousness and permanent nerve damage; he also noted claims by female prisoners that male officers forced them to squat naked and stand up repeatedly to verify that they were not concealing objects inside their bodies. The commissioner also noted that, in the period following the riots, 115 persons sought medical attention at the Chisinau Emergency Hospital for injuries caused by the police. Of those, 24 were severe enough to require hospitalization, including concussions, kidney contusions, and multiple fractures. According to the minister of justice, 28 of the 111 persons brought by police to Prison Number 13 in Chisinau displayed signs of physical injuries.

In several cases the medical expert accompanying the COE commissioner for human rights directly observed physical marks consistent with allegations of abuse, although more than two weeks had elapsed since the time the alleged abuses occurred. The files studied by the commissioner's medical expert contained records of injuries that were consistent with the accounts of physical abuse given by the alleged victims.

For example, a person interviewed by the commissioner's delegation alleged that he was beaten at the time of his arrest on April 7 and subsequently during his detention in the General Police Directorate, where he reportedly lost consciousness. The person claimed that he sustained multiple injuries as a result of the mistreatment, including a fractured finger from a blow with the butt of a gun and being trampled or kicked by combat boots. The person was admitted to the Emergency Medical Hospital on April 20; his hospital records indicated that he had a concussion,

contusion of the rear of his head and thorax, fracture of the index finger of the right hand, and contusions of the right leg and both arms. In the view of the expert, those injuries were consistent with the person having sustained a heavy beating in the manner that he described.

In another case a parliamentarian indicated that she was present near the parliament building when, following what appeared to have been a verbal dispute, two police officers grabbed her left arm and twisted it, causing her great pain. According to her account, the officers dragged her by her hair along the asphalt pavement, and one of them kicked her in the right buttock while the other struck her in the back of the neck. She reportedly lost consciousness as she was thrown to the ground by the officers. The parliamentarian was hospitalized in the Emergency Hospital from April 9 to 24; hospital records indicated that she had a fracture of the left forearm in the area of the wrist and a concussion.

Another person apprehended on April 7 claimed that he was beaten at the time of apprehension and again upon reaching the Central District police station. On the way from the police vehicle to the station he was allegedly forced to pass through a "corridor" of police officers, who punched, kicked, and beat him with batons. On April 21, he was examined by a doctor, who found that his nose was fractured and that he had a concussion and trauma of the sternum and ribs.

Local authorities in Chisinau, led by the city's mayor, strongly condemned police abuses during and after the April protests, and demanded that the Ministry of Interior fully investigate these cases.

Between April 12 and September 10, the Prosecutor General's Office reported that it had initiated 25 cases involving police mistreatment of citizens and registered 76 additional citizen-initiated complaints in connection with events of April 7-8. Of these 101 cases, 51 involved complaints of violence by police at the point of arrest and 50 related to abuses committed by police at local police stations. As of September 10, the Prosecutor General's Office had initiated 14 criminal cases and declined to refer 54 cases for criminal prosecution. Four of the 14 criminal cases involved allegations of torture, eight involved excessive use of authority, one involved police theft of a news camera, and one involved intentional infliction of nonthreatening injuries.

The Prosecutor General's Office and official forensic examiners concluded that, out of 90 persons examined, 32 had no injuries, 14 had light injuries, 33 had injuries that did not affect general health, seven had medium injuries, and four cases required additional investigation. Officials concluded that the majority of injuries occurred when police tried to restrain protestors or stop scuffles between protestors and police. Some arrestees complained that they were unable to identify those who beat them, because members of security forces were masked or hidden from their view at the time of arrest.

According to the CPT, during its late-April visit, authorities were investigating 99 cases of alleged police abuse related to the April 7-8 demonstrations. At the time of the CPT's return visit in July, prosecutors had not initiated criminal charges against any members of the police. After the new government came to power, prosecutors initiated 106 investigations of alleged police torture and other abuses. Through these investigations, prosecutors pursued 46 criminal cases against members of the police, including 26 cases involving torture, 12 cases of abuse of power, and other cases involving murder, attempted murder, and attempted kidnapping. At year's end prosecutors had forwarded eight cases to the courts. These cases involved a total of 15 officers, four facing torture charges and 11 facing abuse

of power charges.

In a September 16 report, the Prosecutor General's Office stated that between January and September, it had examined 554 complaints of mistreatment; opened 33 cases alleging torture; and opened 31 cases alleging excessive use of authority by the police officers. The office forwarded 20 of these cases to court, 16 of which led to convictions and one to a prison sentence. Between April 12 and September 10, the Prosecutor General's Office received 101 complaints regarding use of force and physical violence by police against protestors: 51 allegations of abuse at the time of arrest and 50 allegations of abuse while in police stations.

In July 2008 the UN special rapporteur on torture stated that police abuses remained common, and prosecutors, judges, medical staff, and staff at penitentiaries failed to investigate allegations of mistreatment and torture promptly. Alleged torture methods included severe beatings, electroshock, asphyxiation through oxygen deprivation while wearing gas masks, and putting needles under fingernails. In his February 12 report, the rapporteur acknowledged some improvements by the government but also noted the widespread prevalence of mistreatment of prisoners in preventive detention and the continued use of torture by some police. The rapporteur also noted that complaint mechanisms were inefficient, that a statute of limitations impedes justice in torture cases, and that in a majority of cases prosecutors refused to allow independent medical examinations.

On January 29, the Chisinau Court of Appeals reinstated charges against penitentiary officer Sergiu Perdeleanu for allegedly torturing prison inmates in October 2008. The court downgraded the charges from a criminal to an administrative offense. On May 19, the Supreme Court of Justice annulled the decision of the Appeals Court, and requested reconsideration by a different judge in the same court. The case remained under reconsideration at year's end.

On September 14, during a visit to Prison No. 13, the ombudsman reported that detainees complained of suffering continuous psychological pressure from other detainees and intimidation from prison authorities--including the imposition of unjustified disciplinary sanctions to force them to withdraw their testimony in the criminal case against Perdeleanu. The ombudsman requested that the Ministry of Justice and prosecutors take all legal measures necessary to protect the witnesses.

There were developments in the April 2008 case of Serghei Bezman, a prisoner at the Taraclia penitentiary who reported to the local Helsinki Committee that Alexander Ivanovich Malina, an employee at the penitentiary, insulted, threatened, and beat him. Bezman also claimed that guards kicked him in the chest for writing complaints to officials and then forced him to eat his written complaint. During the year Bezman alleged that he was visited in prison by former deputy justice minister Nicolae Esanu, who threatened to make his "life more difficult" if Bezman continued to accept legal assistance from the Helsinki Committee and did not abandon his case against Malina. In July Bezman's attorney received a letter from prosecutors stating that the case was closed for lack of evidence. Bezman's legal representative reported that he was denied access both to the Taraclia penitentiary and the Department of Penitentiaries. Following the change in government, Bezman's attorney again contacted the prosecutor's office, which replied on November 19 that the opportunity to file appeals had lapsed.

There was no information available on the German citizen prisoner who was reported by the Helsinki Committee in 2008 to be suffering malnutrition and was reportedly forced to repair his cell in four different prisons from his own funds.

Between December 2008 and July, the European Court of Human Rights (ECHR) issued judgments that found three violations of the prohibition against torture and six violations involving inhuman or degrading under Article 3 of the European Convention on Human Rights.

In December 2008 the ECHR ruled that brothers Pavel and Vitalie Levinta had been tortured after they were extradited to the country from Russia in 2000. Mistreatment included beating the soles of their feet and the interruption of oxygen supply to gas masks the two were forced to wear. Following this abuse the brothers confessed to charges of membership in criminal organizations and were sentenced to 20 years in prison. The ECHR ruled that the two had been subjected to torture and denied proper medical care and access to lawyers, that the government had failed to explain their injuries, and that their convictions were based on illegally obtained evidence. The brothers were awarded 8,000 euros (approximately \$11,440) for nonpecuniary damage. During the year the ombudsman's office reported that the two brothers remained in prison pending the completion of their sentence. The government maintained that since the ECHR ruled only on the torture and not on the underlying criminal charges, there was nothing improper about the brothers continuing to serve their sentences.

On June 16, the ECHR ruled that Sergei Gurgurov, arrested in 2005 on allegations of theft of a mobile phone, was tortured by authorities. Gurgurov accused police of suspending him from a metal bar (by his hands and legs, which were tied behind his back), forcing him to wear a gas mask and then interrupting the oxygen supply, and applying electrical shocks to his ears. After his release on bail in 2005, he was diagnosed with fracture of his cranial bones, cerebral contusion, injury to his spine, paralysis of his legs, and posttraumatic deafness. In its judgment the ECHR criticized the Office of the Prosecutor General for failing to seriously investigate the case and for pressuring Gurgurov's lawyer not to appeal the case to international human rights bodies. The court awarded Gurgurov 45,000 euros (approximately \$64,350) in damages.

On June 23, the ECHR ruled that Petru Buzilov, arrested in May 2002 on suspicion of racketeering, was tortured shortly after his arrest. Buzilov was doused in cold water while receiving electrical shocks and forced to wear a gas mask, then deprived of oxygen. The court ruled that authorities failed to carry out an adequate investigation into the incident and awarded Buzilov 30,000 euros (approximately \$42,900) in damages.

In the separatist region of Transnistria, former detainees alleged they had been subject to torture and mistreatment in detention centers. According to NGO Promo-LEX, approximately 90 detainees in a Tiraspol pretrial detention center began a hunger strike on October 10 to protest "cruel, degrading, and inhuman treatment," that included arbitrary detention, torture, and denial of medical care and legal assistance. Promo-Lex reported that many of the detainees had been held for more than six months without a court hearing, and some relatives claimed that they had not been able to visit detainees or deliver food packages.

There were continued reports of mistreatment of military conscripts in Transnistria. NGOs and international bodies working in the region reported that local "prosecutor's offices" failed to examine detainee complaints of torture and did

not initiate criminal cases against police officers accused of torture. An independent torture monitoring mechanism did not exist in the region.

In Transnistria the closed military court system regularly ignored reports of alleged hazing and abuse of conscripts in the Transnistrian "army." According to NGOs the treatment of conscripts improved slightly during the year: food was reported to be better and parents were allowed to visit their conscripted sons. In contrast with previous years, there were no reports of conscripts being forced to march and run in boots that were several sizes too small. There were unconfirmed reports that Transnistrian authorities drafted men who had already completed mandatory military service in the Moldovan armed forces. However, reports of hazing continued, and officers warned conscripts not to report it and harm the army's reputation.

Transnistrian military authorities continued to restrict information on deaths of conscripts, although there were reports of at least two such deaths during the year. One conscript allegedly killed himself by jumping from a third-floor window. On January 21, Serghei Verbitskii was found dead in a trailer used by Transnistrian soldiers working in the kitchen facilities of a military unit. Verbitskii died as a result of a fire reportedly caused by a short circuit. On January 30, the Transnistrian Military Prosecutor's Office stated that military commanders violated local legislation that forbids housing soldiers in facilities other than barracks. The Military Prosecutor's Office mentioned that similar violations occurred very often in Transnistria. No further developments in this case were reported by year's end.

No further developments were reported in the case of Eugen Kolobyshko, a 19-year-old Ukrainian citizen who served in a Transnistrian military unit. In February 2008 Kolobyshko's body was found in the Dniester River. Kolobyshko's relatives reported that his body bore signs of violent injuries, and he had complained that others in his military unit were humiliating, insulting, and extorting money from him. Following the death the military unit offered Kolobyshko's parents 7,000 euros (approximately \$10,000) in compensation. After Kolobyshko's father declared that he intended to emigrate, his phones were allegedly tapped and Transnistrian authorities refused to allow him to cross checkpoints and subjected him to regular "preventive discussions." Because Kolobyshko held Ukrainian citizenship, his father appealed for help from the Ukrainian Embassy in Chisinau. At year's end there were no further developments in the case.

### **Prison and Detention Center Conditions**

Conditions in most prisons, including those in Transnistria, remained harsh, dangerously overcrowded, and in some instances life threatening, notably in the Balti and Tiraspol prisons. Prisons and pretrial detention facilities fell far short of meeting international standards.

Conditions were particularly harsh in pretrial and presentencing facilities, where suspects were sometimes held for months or years awaiting trial. Convicted prisoners were frequently held in pretrial detention facilities. Pretrial detention facilities remained dark and overcrowded. Inmates' access to healthcare was also inadequate. Juveniles were routinely held with adults, and prisoners suffered from insufficient ventilation and low quality food. Prisons did not provide for recreational activities. Cell sizes did not conform to local law or international standards. The incidence of malnutrition and disease, particularly tuberculosis, was high in all prisons.



During the year parliamentary ombudsmen noted that the government had completed renovations in two of the country's 18 penitentiaries; the renovations reduced overcrowding and improved medical facilities. However, the ombudsmen reported that overcrowding in unventilated spaces, lack of timely access to healthcare, and poor sanitation continued to be the norm in the other 16 penitentiaries. In all penitentiaries they noted poor relations between prison authorities and prisoners.

In a February report, the UN special rapporteur on torture noted that police kept most detainees in custody for several weeks or months; they often returned to pretrial detention facilities only when physical signs of torture were no longer visible. In the Transnistrian region, prisoners transferred by police were packed together in poorly ventilated vans and were often held in such conditions for hours. Prisoners with diseases, such as tuberculosis, were routinely held with healthy prisoners.

Local NGOs reported that persons arrested following the April 7-8 demonstrations were kept in cramped conditions (15 to 20 persons in a 108 square foot cell) and moved from location to location in overcrowded vehicles with no ventilation. The Ministry of Interior reported that it apprehended 166 persons, including 17 minors, who were released to their parents by April 9. However, local NGOs and Chisinau municipal authorities estimated that the accurate number of persons apprehended was as high as 700.

According to the COE commissioner for human rights, persons arrested in the aftermath of the April 7-8 demonstrations were brought to several police facilities in Chisinau. Those initially detained in one of the district police stations were then transferred to the detention facility at the General Police Directorate. Because of the large number of persons detained in Chisinau, some detainees were transferred to police facilities in other parts of the country, including Drochia, Taraclia, and Vulcanesti. Police transferred 111 persons from police facilities under the authority of the Interior Ministry to Prison No. 13 in Chisinau (under the Ministry of Justice). The commissioner did not receive any complaints regarding the treatment of protesters held in Prison No. 13.

Most persons interviewed by the commissioner claimed that they had been stopped (and assaulted) on the street by plainclothes officers, who allegedly did not identify themselves, and then taken away in unmarked cars; many said that they were not certain whether they were being apprehended by law enforcement officials or being kidnapped. On April 11, representatives of the Consultative Council for the Prevention of Torture (the National Preventive Mechanism under the UN Optional Protocol to the Convention against Torture) were reportedly prevented from visiting some Chisinau police establishments where persons were being held. The commissioner received many complaints about the conditions of detention in police establishments following the large-scale arrests; most of these involved reports of serious overcrowding, very poor hygiene, lighting, and ventilation, as well as the lack of provision of food, clean bedding, and personal hygiene or sanitary items.

Some detainees reported that they were subjected to severe or prolonged abuse that made them lose consciousness at least once or caused bone fractures or nerve damage. Many victims also reported that they had been threatened with physical violence or summary execution, verbally abused, and subjected to other forms of humiliating treatment. Senior police officers confirmed to the commissioner that no female police officers were assigned to the detention facility at the General Police Directorate in Chisinau. According to the minister of justice, 28 of the 111 persons admitted to Prison No. 13 following detention by the police displayed injury.

The commissioner's medical expert observed that the records of injuries kept in the detention facility at the General Police Directorate in Chisinau were extremely cursory and superficial, in contrast to the prison and hospital medical records. A CPT delegation also noted deficiencies in the recording of injuries at police establishments in a report on its 2007 visit to the country.

The government permitted independent monitoring of prison conditions by local and international human rights observers, and prison officials generally allowed observers to interview inmates in private. Representatives of international organizations and embassies were allowed to make visits to detainees arrested after the April 7-8 demonstrations but only several days after the arrests. The government cooperated with the International Committee of the Red Cross (ICRC) and permitted visits to prisoners in accordance with the ICRC's standard practices. On July 27-31, a delegation of the COE Committee for the Prevention of Torture carried out an unplanned visit to the country. In July 2008 Transnistrian authorities allowed the UN special rapporteur on torture to visit detention facilities. The rapporteur expressed concern about the practice of permanent solitary confinement for persons sentenced to life imprisonment or execution.

Transnistrian civil society representatives complained that it was extremely difficult to gain access to Transnistrian detention facilities. Conditions in those facilities were grave, particularly in the Tiraspol prison. Sick and contagious prisoners shared quarters with healthy prisoners.

#### **d. Arbitrary Arrest or Detention**

While the law prohibits arbitrary arrest and detention, authorities did not observe these prohibitions in practice. A parliamentary ombudsman employed by the government regularly visited various places of detention, including police stations and detention rooms at psychiatric hospitals, railway stations, and the Chisinau airport. The ombudsman found that many arrestees were not registered in log books and railway police arbitrarily arrested citizens before their trains departed and released them after their trains left the station. Police at the airport often detained travelers for document checks and then released them without explanation. Most of the persons placed in detention at police stations were arrested for petty crimes, insulting police, or for document checks, although they were carrying valid documents.

In May 2008 Moldovan police allegedly detained and verbally harassed the chairperson of the Transnistrian youth organization Proryv as she traveled to the Transnistrian region; she was held for two hours at a Moldovan checkpoint near the city of Bender.

In May 2008 in the government-controlled village of Dorotcaia, Transnistrian authorities arrested 26-year-old Stefan Berzan for allegedly passing counterfeit currency. Berzan had earlier reported the counterfeit currency to Transnistrian police, who directed him to accompany them to the separatist-controlled city of Grigoriopol, denying his request that Moldovan police also accompany him. According to NGO reports, Transnistrian police mistreated Berzan during detention and forced him to confess to the crime. In August 2008 the Grigoriopol court in Transnistria convicted Berzan and sentenced him to six years in prison, but released him to five years' probation. In September 2008 the Moldovan interior ministry dismissed Berzan from his job as a fireman because of the criminal conviction. On June 24, the Chisinau Court of Appeals ruled in favor of Berzan and ordered him to be reinstated.

In its February report, parliamentary ombudsmen noted several cases in which police record books contained no mention of the arrest of prisoners who were in jail, thus allowing authorities to extend custody beyond the 72-hour limit prescribed by law.

### **Role of the Police and Security Apparatus**

The national police force is the primary law enforcement body. It is subdivided into regional and city police commissariats, which are subordinated to the interior ministry. Police corruption remained a problem.

The Prosecutor General's Office is responsible for investigating police activities. According to the office's staff, the interior ministry often ignored, or only superficially examined, their reports of violations by police. An internal affairs unit that reported to the ministry investigated incidents of impunity and corruption.

A Transparency International survey conducted between February and March reported that 51 percent of the persons interviewed said they paid bribes to the police. According to the latest available statistics, 600 citizens lodged complaints with prosecutors' offices in 2007 regarding abusive police behavior. Following the complaints 258 criminal cases were opened, 32 police officers were dismissed, 12 were prosecuted for bribery, and 24 former officers were imprisoned.

### **Arrest Procedures and Treatment While in Detention**

The law allows judges to issue arrest warrants based on evidence from prosecutors. Authorities must promptly inform detainees why they were arrested and describe the charges against them. Suspects may be detained without charge for 72 hours. Although the law provides the right to appear before a judge to challenge the lawfulness of the arrest and detention, this right was not always respected in practice, particularly in the case of those arrested after the April 7-8 demonstrations.

Once charged, a detainee may be released on personal recognizance pending trial. The law provides for bail, but it was rarely permitted, and the bail system did not function well. Authorities generally did not authorize bail for detainees accused of violent or serious crimes.

Detainees have the right to a defense attorney; at times this right was restricted. Authorities generally did not grant detainees access to a lawyer until 24 hours after being detained. Police often told persons that they were witnesses in a case, questioned them without a lawyer present, and subsequently detained them as suspects. Detainees were often informed of the charges against them without a lawyer being present. The government required the local bar association to provide representation to indigent defendants but did not pay legal fees; such defendants often did not have adequate counsel.

The large-scale arrests following the April 7-8 demonstrations were characterized by a failure to implement some fundamental rights of persons in custody, including their right to notify a third party (e.g. a family member), to have access to a lawyer and to a doctor, and to receive clear information about these basic rights. The parliamentary ombudsman visited police stations and the prison in Chisinau on April 13 and stated that he found a number of "irregularities" in the implementation of fundamental safeguards; in particular, the rights of notification of custody and access to a lawyer were not fully respected or were subject to delays.

The law permits pretrial detention for up to 30 days. The courts may extend pretrial detention for up to 12 months, depending on the severity of the charges. Pretrial detentions lasting several months were common.

## **Amnesty**

The government generally granted amnesty to persons sentenced to less than four years in prison, with the result that such persons rarely served jail time.

On April 15, then-president Voronin announced a "total amnesty" for all persons facing administrative charges related to the events of April 7-8 in an effort to "bring society together." The gesture was complicated by the fact that several high-profile arrestees remained in custody after the "amnesty" was announced and most other detainees released. The law provides for amnesty only after a person is convicted of a crime, so some legal experts questioned the effect of Voronin's announcement.

Seven persons facing criminal charges for organizing the April 7-8 protests were excluded from the "amnesty." These persons remained under investigation until the new government entered office. At that time the Prosecutor General's Office announced that it was closing these investigations without charges.

## **e. Denial of Fair Public Trial**

The law provides for an independent judiciary; however, official pressure and corruption remained problems. There continued to be credible reports that local prosecutors and judges occasionally asked for bribes in return for reducing charges or sentences, and observers asserted that judges were sometimes politically influenced.

Political factors played a role in the reappointment of judges. According to Freedom House, judges were appointed and promoted on the basis of subjective and nontransparent factors. Younger judges, who held initial five-year appointments, were particularly vulnerable to influence by the executive branch.

In April 2008 national bar association president Gheorghe Amihalachioaie stated that lawyers, particularly those involved in actions against the government and those representing opposition parties, were politicized and discriminated against. Amihalachioaie also claimed that the judicial system favored the prosecution and judges favored the ruling authorities.

Some politicians claimed judicial harassment by the PCRM government. Before the April 5 elections, authorities brought charges, some of them a decade old, against opposition party leaders. On June 12, prosecutors charged Chisinau mayor and Liberal Party Deputy Chairman Dorin Chirtoaca with organizing mass disorder and attempting a coup on April 7. On November 16, after the new government was in place, the Prosecutor General's Office announced that it was dropping its criminal investigation of Chirtoaca because investigators could not find elements of a crime in the mayor's actions.

After the April 7-8 demonstrations, the Prosecutor General's Office published a list of politicians whom it planned to investigate in connection with the riots. As of year's end, no further development had been reported. After the new government assumed office, all outstanding charges were dropped.

During the year the case against Serafim Urechean, leader of the Our Moldova Alliance (AMN) for abusing his position as Chisinau mayor for personal gain remained active. Urechean had also been charged with attempted murder of the then-deputy speaker Iurie Rosca, but in October after the new government assumed power, the Prosecutor General's Office sent a letter of apology to Urechean, stating that the attempted murder charges had been dropped. At the time the charges were initially filed, the AMN was one of the largest opposition political parties. In 2008 prosecutors resurrected charges against Nicolae Andronic, leader of the Popular Republican Party, at the court in Buiucani. Prosecutors alleged that Andronic authorized the withdrawal of 200 tons of wheat from the state reserve as a loan to a private company during his term as deputy prime minister in 1998-99. Andronic claimed that the case was politically motivated and aimed at eliminating his party from the parliamentary election. On November 11, after the new government was in place, the Buiucani court acquitted Andronic of all charges.

During 2008 the ECHR issued judgments which found 15 violations by the country of the right to a fair trial and three violation involving length of proceedings; both were violations of Article 6 of the European Convention on Human Rights. Of the 16 cases that the government lost during the year, 10 concerned--in part or in whole--denial of a fair public trial.

On July 28, the ECHR ruled against the government in the case Olaru v. Moldova. The court found that the authorities' failure to comply with final local court judgments in the applicants' favor delivered by domestic courts represented a violation of their right to a fair trial. The court invited the parties to reach an agreement.

On July 16, the ECHR found that local courts had violated an applicant's property rights in the case of Baroul Partners v. Moldova. The ECHR ruled that a domestic court had acted improperly when it annulled the privatization of the applicant's quarry and had denied the applicant his right to a fair trial.

According to an April 2008 EU report, the government was lacking in its implementation of a judicial code of conduct, developed in 2007, and establishment, in January 2008, of a Department for Judicial Administration to monitor the organizational, administrative, and fiscal effectiveness of the courts and propose improvements.

The judiciary consists of lower courts, courts of appeal, and the Supreme Court of Justice. A separate Constitutional Court has exclusive authority in cases relating to the constitutionality of draft and final legislation, decrees, and other governmental acts. The Constitutional Court was the only court generally regarded as reasonably fair and objective. By law the Prosecutor General's Office is autonomous and answers to parliament. It is responsible for overseeing criminal investigations, filing charges, and protecting the rule of law and civil freedoms. Prosecutors have discretion to close cases before they reach trial for lack of sufficient evidence. However, the injured party can appeal this decision to the investigative judge. This discretion gives prosecutors considerable influence over the judicial process. Many NGOs and opposition politicians asserted that the Prosecutor General's Office was under the political control of the PCRM during its eight-year rule.

The military court system is separate but generally experienced problems with corruption and inefficiency similar to those of the civilian courts. The jurisdiction of military courts extends to crimes committed by active duty, reserve, and retired military personnel. Military courts can also try civilians for crimes committed against military personnel.

## **Trial Procedures**

The law provides that defendants in criminal cases are presumed innocent; however, in practice this presumption had little effect. On some occasions judges' remarks jeopardized the presumption of innocence. NGOs expressed concern that the practice of keeping defendants in handcuffs and metal cages during court proceedings went beyond what was necessary to secure public order and failed to ensure the presumption of innocence.

Cases are presented to a judge or to panel of judges. Defendants have the right to a lawyer, to attend proceedings, to confront witnesses, and to present evidence. The law requires the local bar association to provide an attorney to indigent defendants. The practice of appointing ex officio defense lawyers without allowing them to prepare adequately was common and infringed upon the right to legal assistance. Prosecutors occasionally used bureaucratic maneuvers to restrict lawyers' access to clients. Defense attorneys were able to review evidence against their clients when preparing cases. The law provides a right to appeal convictions to a higher court.

According to a May 2008 Organization for Security and Cooperation in Europe (OSCE) report, based on a six-month project that monitored thousands of hearings in hundreds of criminal cases at all levels of the justice system, legal guarantees of a fair trial functioned only partially. While legal reforms in recent years helped provide an improved framework for guaranteeing a fair trial, implementation remained a problem.

Although the law provides for defendants to have an interpreter, the OSCE observed a shortage of interpreters, a lack of knowledge of legal terminology, and a tendency to mix Romanian and Russian terms. Nearly 40 percent of court interpreters did not translate in a fully satisfactory manner. The OSCE also noted that judges at times ordered proceedings to be conducted in Russian, even though some participants complained they could not understand the language.

The OSCE noted that proceedings were often not open to the public; court facilities were inadequate; and a large number of judges, prosecutors, and defense lawyers failed to treat victims and witnesses with respect.

In September 2008 a witness protection law entered into force to ensure the protection of persons whose life and property are threatened as a result of their participation in trial proceedings. However, implementation of the law was inconsistent.

### **Political Prisoners and Detainees**

Three persons arrested in connection with the April 7 disturbances were considered to be political prisoners.

On April 8, Sergiu Mocanu, leader of the People's Action Movement and former advisor to former president Voronin, was detained by persons in plain clothes who claimed to be police but refused to show any identification. Mocanu was arrested on charges of plotting and participating in activities of mass disorder. The Court of Appeals refused to hear his appeals, and he was subsequently released without being charged on July 31.

On April 8, in Odessa, Ukraine, police arrested businessman Gabriel Stati and subsequently extradited him to Moldova at the request of Moldovan police. Stati was charged with fomenting and financing the April 7 unrest. On June 18, the Court of Appeals changed his status to house arrest for 30 days. He was freed without charge on July 8, but was forbidden to leave the country for 30 days.

On April 8, police arrested Anatol Matasaru and accused him of organizing and participating in mass disorder on April 7. Matasaru had been arrested in other incidents earlier in the year, in which he protested while wearing a pig suit.

Matasaru's lawyers stated that police used excessive force in arresting him and tried to compel him to sign confessions that he had received money from opposition leaders to organize the April 7 protests. On June 6, authorities released Matasaru to house arrest. On August 6, he was freed from house arrest but forbidden to leave the country for 90 days. The Biuiucani District Court rejected the prosecutor's request to extend the arrest warrant for another 90 days. On July 10, police arrested Matasaru again in Orhei on charges of committing a theft in November 2007. On July 22, the Orhei District Court reviewed the theft charges and the charges of hooliganism in connection with the April 7 demonstrations, and ordered him to be held in custody until August 9. On November 12, the Prosecutor General's Office stated that it had dropped all charges against Matasaru.

### **Civil Judicial Procedures and Remedies**

The law provides for citizens to seek damages in civil courts for human rights violations. Under the constitution the government is liable in cases where authorities violate a person's rights by administrative means; fail to reply in a timely manner to an application for relief; or commit misconduct during prosecution. Judgments awarded in such cases were small and frequently not enforced. Citizens may also seek damages in the ECHR for violations of the European Convention of Human Rights. From January 1 through August 16, the ECHR issued 16 judgments that found at least one violation of the convention. In 2008 the ECHR issued 28 judgments that found at least one violation by the country.

A mediation law, which entered into force in July 2008, establishes an alternative mechanism for resolving civil and criminal cases voluntarily between parties and establishes rules for the status of professional mediators. However, the country still lacked an implementation mechanism. Observers noted that a lack of financial resources and institutional capacity were the main impediments to implementation of the law.

### **Property Restitution**

While the law provides for restitution of property and compensation for victims of political repression, commissions established to receive petitions were not funded to make payments. In Chisinau, where six million lei (approximately \$576,823) of funding was allocated for compensation, no commission existed to make payments. Applicants must prove a direct causal connection between political repression and the seizure of their properties to receive restitution.

### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The law prohibits such actions; however, the government did not respect these prohibitions in practice. It was widely believed that law enforcement authorities, including the Interior Ministry, the Prosecutor General's Office, and the Security and Intelligence Service (SIS), continued to conduct illegal searches and wiretaps. Under the law the SIS is the only institution that can legally conduct wiretaps, including those made at the request of prosecutors or police. Judges may authorize legal wiretaps only in course of investigation a serious crime. The ECHR has ruled that the country's criminal procedure law fails to provide a clear and detailed interpretation of reasonable suspicion required to authorize a wiretap. The ECHR also noted that the law does not contain safeguards against the overuse of wiretaps and does not provide adequate protection against the abuse of power by the government as a result of wiretapping. Courts continued to accept illegally obtained evidence.

Opposition leaders reported that they observed vehicles following them during the election campaigns and noted their belief that authorities monitored and intercepted their conversations.

On February 10, in the case *Iordachi and Others v. Moldova*, the ECHR issued a judgment that found a violation by the country of the right to respect for private and family life, as provided under Article 8 the European Convention on Human Rights. In its judgment the court noted that the country's law did not clearly define the offences for which wiretapping may be sought or the categories of persons who may be liable to have their telephones monitored. The law also did not provide a clear time limit on interception warrants and on what constitutes a reasonable suspicion that could justify telephone interception. The court observed that, when the tapping takes place, the investigating judge played a limited role, and no clear rules existed regarding the screening, preserving, and destroying of data collected. Since the country's courts authorized virtually all requests by authorities in 2007 for interception, the ECHR concluded that the system of secret surveillance was largely overused.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, the government did not respect these rights in practice. Individuals could criticize the government publicly and privately without reprisal, although authorities attempted to impede criticism by limiting the access of some media to government information and events and by repressing media outlets deemed "nonloyal" during and after the April parliamentary elections. In addition, individuals and organizations critical of the government risked being monitored and subjected to abusive tax and registration inspections. According to Freedom House, media independence in the country was at its lowest point in 10 years.

During 2008 the ECHR issued judgments that found three violations by the country of freedom of expression, as provided by Article 10 of the European Convention on Human Rights.

The print media expressed diverse political views and commentary. There were approximately 260 newspapers and magazines in the country.

The government owned the Moldpress News Agency; local and city governments subsidized approximately 25 newspapers. Political parties and professional organizations also published newspapers.

Formerly government-owned newspapers, *Moldova Suverana* and *Nezavisimaia Moldova*, continued to favor the PCRM in their coverage. These papers often used inflammatory language and photo-edited portrayals of opponents as Nazis in articles criticizing the opposition. The newspaper *Flux*, a mouthpiece for the Christian Democratic Party, published articles in favor of the party and against its opponents, but sometimes critical of both. Newspapers such as *Timpul*, *Jurnal de Chisinau*, *Ziarul de Garda*, and *Moldavskie Vedomosti* published more diverse views and articles critical of the PCRM government and its policies. At times these outlets sensationalized coverage, including by using graphic images to denigrate opponents, such as photo-editing heads of public figures onto naked bodies and superimposing images with photos of Nazis.



The government did not restrict foreign publications, but most were not widely circulated because of high cost. Newspapers from Russia were available; some published special weekly local editions.

The broadcast media were weaker with regard to diversity of expression because local private broadcasting was limited. The government continued to influence the media through its role in distributing broadcast licenses and its financial support for privatized media outlets, including the public radio and television broadcaster Teleradio Moldova (TRM), which covered most of the country.

According to the Audiovisual Coordinating Council (ACC), 46 radio stations, 38 television stations, and 166 cable providers operated in the country. Most stations rebroadcast programs from Romania, Russia, and Ukraine and offered limited locally produced programming. Other foreign programs, including a range of international news broadcasts, were available by subscription from private cable television operators. Some local governments, including that of Gagauzia, operated television and radio stations and newspapers.

The law requires TRM to be a genuine public institution, although it remained financially dependent on the government. While the PCRM was in power, TRM was widely viewed as strongly progovernment in its programming and rarely aired opposing viewpoints; following the change in power, coverage became more balanced. Reports from local and international election observing missions during the year noted that the public broadcaster failed to cover the election campaigns in a balanced and impartial manner. Observers noted that public national television channel Moldova 1 (part of TRM) provided coverage of the July 29 repeat elections that mostly favored the PCRM.

The broadcasting code regulates the activity of private television and radio stations, public broadcaster TRM, and the government's main regulatory authority for broadcasting, the ACC.

In December 2008 the ACC announced that it would not automatically extend the expiring license of the private television channel PRO TV, along with those of other broadcasters, although the law provides for automatic extension if no major violations have occurred. The ACC announced that it would offer all of PRO TV's frequencies for competitive bid. Media observers criticized the ACC decision, while noting that ambiguities in the law allowed for such political actions, and PRO TV initiated a court challenge of the ACC ruling. In June the ACC placed a moratorium on the competition for PRO TV's frequencies during the electoral campaign. On November 12, the Supreme Court of Justice ruled that the ACC should automatically extend PRO TV's license and those of other broadcasters. NGOs and media representatives criticized the ACC for disproportionately allocating radio and television frequencies to progovernment stations. In May 2008 the ACC distributed 40 provincial television frequencies to two progovernment stations, significantly expanding their coverage; the ACC did not consider other applications.

In September 2008 the Gagauz People's Assembly dissolved the supervisory board of the public company Teleradio Gagauzia, raising concerns among the company's journalists, who feared that Gagauz authorities were attempting to control regional public television.

According to NGOs one of the major television channels was owned by business persons affiliated with the PCRM, and several displayed a political bias towards the party. As a result, there were fewer outlets for opposing viewpoints. However, certain television channels owned by persons affiliated with the opposition aired alternative views. After the

new government assumed power, analysts noted a shift in coverage; although some outlets still displayed political bias toward the PCRM party, other outlets expressed pro-Alliance views.

In 2008 opposition members of the Balti municipal council criticized the nontransparent manner in which the public broadcaster Teleradio Balti was being privatized, noting that the privatization commission was staffed exclusively by councilors belonging to the majority PCRM. On November 14, Teleradio Balti suspended broadcasting following a ruling by the ACC that the station did not have the right to broadcast until it was privatized. At the end of November, the ACC revised its earlier decision and allowed Teleradio Balti to continue broadcasting under the condition that it complete its privatization by February 1, 2010.

Journalists and NGOs reported that the government denied independent media access to various official events. On May 26 and August 18, the interior ministry prevented journalists from Internet-based Jurnal TV from covering its press conferences. On July 9, a television crew from TV-Prim was prevented from covering a public meeting of the prime minister in Glodeni. On July 14, police in Donduseni expelled two journalists from the *Moldavskie Vedomosti* newspaper from a hall where the prime minister had been meeting with local residents.

During the protests that followed the parliamentary elections on April 5, government harassment and aggression against journalists dramatically increased. The government frequently denied access to its public events to media representatives it considered disloyal. On occasion journalists were intimidated into practicing self-censorship. During and after the protests following the April 5 elections, law enforcement bodies launched a campaign of intimidation and aggression against the media. Police and security forces illegally detained and interrogated many journalists. On April 7-8, more than 20 Romanian journalists were denied entry to the country, as the government publicly accused Romania of playing a role in organizing the April 7-8 violence. On April 8, several plainclothes police officers severely beat a cameraman from Jurnal TV, who was filming in public and also seized and destroyed his video equipment. On April 9, police detained a Realitatea TV crew from Romania, held them in custody for several hours, and then expelled them from the country. Members of the television crew reported that they were intimidated by police officers while in custody. On April 10, several plainclothes police abducted the editor in chief of the *Jurnal de Chisinau* newspaper on the street and took her to an unknown destination. She told the media that, after several hours of detention, she was taken to the Special Mission Department of the Interior Ministry and was accused of assessing and collecting information to help attack the government buildings.

Media observers voiced numerous concerns about the postelection restrictions on the media and on reporting. These included the assault and detention of local and foreign journalists reporting on the postelection violence; the refusal of entry to the country to certain foreign journalists; the requirement that some journalists leave the country despite having valid press accreditation; and restrictions on access to Internet services or particular Web sites. On April 14, the OSCE representative on freedom of the media called on authorities to ensure journalists' access and to investigate cases of obstruction and intimidation.

During his visit to the country on April 25-28, the COE commissioner for human rights was shown a copy of a letter sent by the Ministry of the Interior on April 21 to several newspapers. The letter expressed concern about the content of articles published in those newspapers and stated that the articles "do not represent the truth and are misleading to the public." The letter further stated that the information published "contains unjustified serious accusations against the police affecting the reputation of the police officers, who exercise their duties correctly and according to the law

for maintaining public order and security." The letter asked the newspapers to present, within 10 days, "any specific information and solid evidence which served as a basis for the articles." If no such information was available, the letter instructed the newspapers to publish retractions of the articles. The COE commissioner for human rights characterized such pressure on media as unacceptable. Instead of requesting media outlets to justify their critical reporting, he noted, authorities should encourage victims and witnesses to come forward and contribute to the investigations.

In March Interior Ministry representatives searched the Nisporeni-based Albasat television station and failed to present a warrant. Ministry investigators later told the media that Albasat TV was suspected of failing to report revenue in its 2007 financial reports. The International Federation of Journalists expressed concern regarding the incident and urged the government to respect freedom of the press.

Although libel is not a criminal offense, and the law limits the amount of fines that can be claimed for slander, some newspapers continued to practice self-censorship and avoid controversial issues out of concern that government officials and other public figures could use civil defamation laws to retaliate against critical news coverage.

In April 2008 a district court in Chisinau froze the bank account of the *Jurnal de Chisinau* newspaper to sequester funds in a libel case. The case was filed against the newspaper by a former prosecutor, who sued for alleged damages inflicted on him by articles published in 2003 and 2004. The newspaper appealed, and in May 2008 the Court of Appeals unblocked the bank account. At year's end the case was before the Chisinau Court of Appeals for reconsideration.

In June 2008 parliament passed amendments to the editing law, making it illegal to edit and publish literature that contains "denial and defamation of the state and the people; calls to war or aggression, to ethnic, racial or religious hatred; [or] incitement of discrimination, territorial separatism, or public violence." Several private publishing houses opposed the new law, claiming that it imposed censorship.

The law decriminalizing defamation was widely viewed as allowing progovernment media even greater latitude to insult opposition leaders, while at the same time not being clear enough to eliminate the perceived need for self-censorship by independent media or to prevent spurious lawsuits and investigations against opposition activists and media. Both pro-PCRM government and pro-opposition media at times used graphically insulting political cartoons, particularly during the electoral campaign.

On September 17, in the case of *Manole v. Moldova*, the ECHR unanimously ruled in favor of a group of TRM journalists who filed a case in 2002 accusing TRM of severe censorship and violating their freedom of expression after the PCRM came to power.

In Transnistria authorities greatly limited freedom of speech and of the press. Alternative viewpoints were subject to widespread censorship, and residents were wary of voicing alternative opinions and engaging in meaningful debate over key issues affecting the separatist region.

It was difficult to register, maintain, and financially sustain independent newspapers, radio stations, or television

stations in Transnistria, although several existed. Most newspapers from government-controlled areas did not circulate widely in Transnistria, although they were available in Tiraspol. Foreign publications, including publications edited in Chisinau, were difficult to obtain, as separatist authorities imposed a 100 percent customs duty.

Both of Transnistria's major newspapers, *Pridnestrovie* and *Dnestrovskaya Pravda*, were official publications of the separatist administration. Separatist authorities harassed independent newspapers for critical reporting of the regime. Independent newspapers such as *Novaia Gazeta* and *Chelovek i yevo Prava* were published, but had a limited circulation of about 3,000. Authorities controlled all printing houses and, at times, threatened to stop the printing of independent newspapers. One independent weekly newspaper was published in Bender and another in the northern city of Ribnita. According to a study by a western academic researcher, the Ribnita-based *Dobryi Den* newspaper did not publish any articles critical of Transnistria or separatist authorities.

Other Transnistrian media that printed reports critical of secessionist authorities also had small circulations and appeared either weekly or monthly. There were few Romanian and Ukrainian language publications available to the ethnic Ukrainians and Moldovans in the region. Apart from the publicly financed *Gomin* (Ukrainian), *Adevarul Nistorean* (Romanian in Cyrillic script), and the political party-controlled newspaper *Drujba* (Romanian in Cyrillic script), most publications were in the Russian language.

The authorities controlled the majority of television and radio stations in Transnistria and largely dictated editorial policies and financial operations. Some broadcast networks, such as the TSV television station and the INTER-FM radio station, were owned by Transnistria's largest commercial entity, Sheriff Enterprises. The company also effectively controlled the Obnovlenie Party, which held a majority of seats in the region's legislature and represented a voice other than that of the executive branch. Transnistrian authorities operated the other major television station, Transnistrian Moldovan Republic Television. While these outlets on occasion expressed alternative views on social and economic policy, Transnistrian authorities sharply criticized any mention of compromise with the central government or any questioning of the Transnistrian goal of "independence."

## **Internet Freedom**

During and after the April protests, the government restricted use of the Internet. Internet users complained that state-owned Moldtelecom blocked access to the most popular news portals and social networking websites on April 9 and 10.

At the end of June, the state company MoldData, the official registrar of the .md domain, sent a letter to the UNIMEDIA news portal saying that the prosecutor's office noticed that UNIMEDIA had published readers' comments calling for violence and overthrow of the government. In the letter MoldData threatened that it could withdraw UNIMEDIA's domain name for such violations of regulations. Nonetheless, UNIMEDIA continued to function. On June 29, MoldData suspended the domain of faces.md, one of the largest social networking Web sites in the country. At year's end, faces.md was back online.

There were 41 Internet service providers (ISPs) in the country. While most citizens could not afford computers and private access to the Internet, public access at cafes in major cities was readily available. In August a local ISP created public Wi-Fi hot spots in several public parks in Chisinau. According to International Telecommunication Union statistics for 2008, approximately 23 percent of the country's inhabitants used the Internet.

Between January and September, the number of broadband Internet users increased by 43.5 percent, reaching 165,200. The number of mobile broadband Internet users reached 62,000. During the same period, the number of dial-up Internet users decreased 50 percent to 20,000.

In Transnistria Internet connections were available in most parts of the region, and most residents accessed the Internet through publicly available computers at cafes. One company, Sherriff Enterprises, was the sole ISP in the region.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic or cultural events.

### **b. Freedom of Peaceful Assembly and Association**

During 2008 the ECHR issued a judgment that found a violation by the country of freedom of assembly and association, as provided by Article 11 of the European Convention on Human Rights.

#### **Freedom of Assembly**

The law provides for freedom of assembly; however, at times the government limited this right in practice. In spite of various changes to the law on public assembly in 2008, NGOs continued to express concern that the government limited freedom of assembly.

Liberal Democratic Party supporters from outside Chisinau reported that they were prevented from traveling to Chisinau to protest against incumbent PCRM authorities during the election campaigns in March and April and again in July. Law enforcement instructed bus and taxi drivers not to transport persons to Chisinau. In some cases traffic police detained buses full of persons heading to Chisinau for hours; the police used various pretexts to hold the buses until the protests concluded.

On January 29, three police officers arrested Anatol Matasaru, who was protesting in front of the prosecutor general dressed as a pig and wearing a sign which punned on the word "pig" and "prosecutor" in Romanian. On February 11, the Interior Ministry reprimanded the officers for failing to explain to Matasaru why they arrested him.

In Transnistria authorities generally discouraged free assembly. On those occasions when they issued permits for demonstrations, authorities often harassed organizers and participants and ordered that the demonstrations take place in obscure locations away from city centers. Permits for demonstrations and public meetings were issued predominantly to organizations and groups loyal to the authorities.

In November authorities granted the Transnistrian Communist Party a permit to organize a rally in Dubasari to protest the government's social and economic policies and to request the resignation of the region's leader, Igor Smirnov. Two days before the demonstration, local authorities prohibited all public meetings and events because of the pandemic flu threat, although no cases of the H1N1 flu had been reported in the region. Authorities also revoked the

permit they had issued earlier. Party activists attempted to hold their demonstration despite the prohibition, but they were dispersed by police. Police arrested and fined some demonstrators.

### **Freedom of Association**

The constitution provides for freedom of association and states that citizens are free to form parties and other social and political organizations. However, the constitution prohibits organizations that are "engaged in fighting against political pluralism, the principles of the rule of law, or the sovereignty and independence or territorial integrity" of the country.

Some political parties accused the government of restricting their freedom of association in advance of the April 5 parliamentary elections.

In Transnistria separatist authorities granted the legal right of association only to those they recognized as citizens of Transnistria. However, separatist authorities restricted freedom of association in practice, either by intimidation and prosecution for alleged offenses or based on fabricated charges. All associations favoring reintegration with the Moldovan national government were strictly prohibited.

### **c. Freedom of Religion**

The constitution provides for freedom of religion, and the government generally respected this right in practice; however, the law includes restrictions that inhibit the activities of unregistered religious groups.

Although there is no state religion, the religion law notes the special status of the Moldovan Orthodox Church in the country's history and culture and, in practice, the government gave favorable treatment to the Moldovan Orthodox Church. For example, the Metropolitan of Chisinau and all Moldova held a diplomatic passport, a privilege not accorded to any other religious leader.

The law on religion, adopted in 2007, requires religious groups to register with the justice ministry. Unregistered religious groups may not buy land or obtain construction permits to build houses of worship or seminaries. Under the law groups must obtain signatures from 100 citizens to register as a new national religious organization. The law allows religious groups access to public places and permits congregations to switch denominational allegiance. The religion law also prohibits "abusive proselytizing," which is defined as including psychological manipulation and subliminal techniques.

Of the 24 groups that submitted applications since the law entered into force, only the Unification Church (in May 2008), Armenian Christian Apostolic Denomination (on March 31), and Ukrainian Orthodox Patriarchate (on October 22), successfully registered. In its decision to reject the remaining applications, the ministry cited various provisions of the civil code, which normally applies to the conduct of businesses. Several religious groups declined to appeal the rejections, arguing that the religion law, rather than the civil code, should govern their activities. The Central Muslim Spiritual Board of Moldova, a variety of Protestant congregations, and the Spiritual Organization of Muslims in Moldova continued to encounter bureaucratic obstacles to their repeated attempts to register, and many simply abandoned their registration efforts in the face of what they perceived to be bias disguised as excessive application of the rules.

On August 15, several hundred Moldovan Orthodox protestors, led by priests, demonstrated against a decision by the mayor of Chisinau to grant Seventh-day Adventists a permit to hold a concert on the public square between the main government building and the Moldovan Orthodox cathedral. The protestors asserted that other religions should not be allowed to hold public displays on the site. Seeking to avoid a confrontation, concert organizers moved the event to a Seventh-day Adventist church on the outskirts of the city.

In Transnistria separatist authorities continued to deny registration to a number of minority religious groups and harassed their members. Jehovah's Witnesses faced significant difficulties operating, and only two of more than 30 Jehovah's Witnesses' congregations had legal status in the region. Court cases brought by Jehovah's Witnesses were prolonged by the Transnistrian officials; occasional court victories were overturned and new trials ordered. The Transnistrian religion law, which entered into force on March 4, requires religious communities to submit documents proving that they have existed continuously for the past decade. Local authorities refused to certify the documents submitted by Jehovah's Witnesses, and the community submitted numerous appeals that remained pending with local authorities.

On December 10, following a five-year effort by the Tiraspol Community of Jehovah's Witnesses, the Transnistrian finance ministry granted the community a fiscal code which allowed it to maintain bank accounts and pay employees. Despite a 2007 Tiraspol court decision stating that Jehovah's Witnesses should be accredited and permitted to import literature, Transnistrian authorities attacked the legal status of Jehovah's Witnesses. Authorities challenged the Witnesses' 1994 registration in Tiraspol; refused to accredit the leaders of the Tiraspol community; refused to register new Jehovah's Witnesses charters in Tiraspol, Ribnita, Grigoriopol, and Tighina; sought to cancel their tax identification number; confiscated religious literature; illegally confiscated the Ribnita community's registration certificate; interfered with a religious ceremony in Parcani; and fined and sentenced members to one-year probation terms.

On May 12, the ECHR ruled in favor of Talgat Masaev, a Muslim leader who was arrested in January 2004 for organizing prayers in a private home. The court ruled that his arrest amounted to the exclusion of minority religious beliefs not formally registered with the state, and awarded him 1,500 euros (approximately \$2,150) in damages. On May 31, a new contraventions code (formerly known as the code of administrative offenses) entered into force. Article 54 of the code provides for expulsion of foreign religious believers who hold religious activities in public places without first notifying the local mayor's office. Because the article was in conflict with ECHR rulings, the government commission charged with implementing ECHR decisions urged the Interior Ministry, the Prosecutor General's Office, and the Supreme Court to take steps to prevent expulsion of foreign religious believers who violated this provision. As a result, on February 23, the Interior Ministry issued an order stating that Article 54 was not to be applied. At year's end, there were no reports that Article 54 sanctions had been applied.

On December 22, an opposition Communist parliamentarian accused the government of backing extremism by registering the National Christian Movement (NCM) as an NGO on November 12. The member of parliament pointed out that NCM members display photographs of Corneliu Codreanu, who founded the anti-Semitic Legion of the Archangel Michael in Romania in the 1930s. The minister of justice responded that the ministry registered all groups that presented the correct paperwork, and the parliamentarian needed to provide proof of the group's extremism for the ministry to take further action.

Foreign missionaries, like other foreigners, may enter the country for 90 days on a tourist visa. Although the law prohibits "abusive proselytizing," the government did not take legal action against individuals or organizations for proselytizing. Police and other local authorities frequently called visiting foreign missionaries into police stations for extensive questioning about the religious and charitable services they offered.

The law provides for restitution of property confiscated from religious communities during the Nazi and Soviet regimes. Claims by the Moldovan Orthodox Church were frequently favored over those of other religious groups, and the church had recovered nearly all of its property. In cases where property was destroyed, the government offered alternative compensation. Property disputes between the majority Moldovan and minority Bessarabian branches of the Orthodox Church remained unresolved; representatives of the Bessarabian Orthodox Church claimed that their property rights were still being violated. While the Lutheran Church reported that authorities had not returned or provided compensation for any of its pre-World War II properties, the Jewish community had several of its properties restored.

In Transnistria the Jewish community in Bender continued to actively seek restoration of its synagogue building which was being used as a boxing school. At year's end the case remained unresolved.

Transnistria has no law that would provide a civilian service alternative to military conscription. On December 11, the Ribnita city court sentenced Oleksandr Iakovlev to one year in prison for refusing to serve in the Transnistrian military. On December 15, Iakovlev appealed to the Transnistrian Supreme Court; his appeal was pending at year's end.

### **Societal Abuses and Discrimination**

During the year leaders of the Orthodox Church spoke out against public religious displays by other faiths, including the Jewish community.

From January through August, Jehovah's Witnesses reported 23 incidents of violence or harassment against its members, 11 of which involved Orthodox priests physically or verbally attacking a member of Jehovah's Witness. One additional incident involved the wife of a priest and another involved an assistant to a priest. In 2008 the group reported 15 cases of violence or harassment against its members, compared with 18 such cases in 2007.

Members of Jehovah's Witnesses complained that local town councils, Orthodox priests, and laypersons continued to impede their ability to freely practice their faith. While the group reported numerous successes in court cases against local authorities seeking to block construction of houses of worship, members noted that social prejudices remained strong.

Between December 15 and 21, residents of the Chisinau district of Riscani blocked the clearing of a site for construction of a Jehovah's Witness Kingdom Hall, for which the religious organization had permits. On several occasions, the protestors assaulted workers. On December 22, the Chisinau mayor's office ordered a revocation of the permits and a halt to construction "until the situation improves."



In Transnistria non-Orthodox groups reported that they were generally not allowed to rent property and were often harassed during religious services. They also complained that authorities refused them permission to construct religious buildings.

The Jewish community had approximately 25,000 members, including 2,600 living in Transnistria. In March after one of Chisinau's synagogues received a shipment of kosher food from abroad for the upcoming Passover holiday, police officers made several visits to the synagogue to search the food parcels.

On December 11, the Chisinau Jewish community organized the dedication of a five-foot-high menorah in the city's central park. On December 13, Moldovan Orthodox priest Anatolie Cibric gathered a crowd of supporters at the site of the menorah, and in a speech denounced Jews as "enemies" and "Yids." Following the speech Cibric's followers dismantled and removed the menorah from its base, and placed it upside down at the feet of a nearby statue of Stephen the Great, the medieval Moldovan king who is also a Moldovan Orthodox saint. Later that day members of the Jewish community reassembled the menorah and placed it at the Holocaust memorial, approximately half a mile from its original location. The menorah remained in that location without further incident.

On December 14, the official press service denounced "hatred, intolerance, and xenophobia" and the prime minister and acting president condemned the incident. The justice minister condemned the demonstrators' actions as a "xenophobic and barbaric act." Later in the day, the minister met representatives of the Jewish community and demanded that law-enforcement authorities ensure their religious freedom. Cibric faced administrative charges and was ultimately fined for his role in the incident.

On December 17, the Moldovan Orthodox Church issued a statement condemning the "methods" used by the protestors in removing the menorah, but it also criticized city authorities for allowing a Jewish symbol to be displayed in a public place important to the faith and history of "Moldovans."

For a more detailed discussion, see the *2009 International Religious Freedom Report* at [www.state.gov/g/drl/rls/irf](http://www.state.gov/g/drl/rls/irf).

#### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Transnistrian authorities at times restricted travel of Transnistrian residents and other Moldovans to and from the separatist region.

On July 13, customs officials at Cahul stopped 160 students and teachers from Transnistrian Latin-script Romanian-language schools, who were returning from a summer camp in Romania. School officials reported that customs officers interrogated them for two hours regarding reasons for their visit to Romania and confiscated Romanian-language dictionaries and encyclopedias.

Transnistrian authorities often stopped and searched vehicles traveling between the region and the government-controlled area. According to the local Helsinki Committee, waits of up to two hours at Transnistrian checkpoints occasionally occurred, as did arbitrary fines and seizures of goods from persons entering or exiting the region. Short-term visitors from government-controlled areas to Transnistria were permitted to remain for 10 hours. A longer stay required an official letter of invitation and registration at a local passport office. Transnistrian authorities allowed farmers from government-controlled villages in the Dubasari region of Transnistria to travel to areas outside Transnistria to sell their produce. On several occasions during the year, Transnistrian authorities denied western diplomats stationed in Chisinau entry into the region for routine visits but at other times allowed them entry. The law prohibits forced exile, and the government did not employ it. There were no reports that Transnistrian authorities exiled persons from their territory during the year.

Although citizens generally were able to depart from and return to the country freely, there were some limitations on emigration. Before persons are allowed to emigrate, the law requires that they satisfy all outstanding financial obligations to other persons or legal entities. This requirement was not strictly enforced in practice. The law also provides that close relatives who are financially dependent on a potential emigrant must give their concurrence before the emigrant is allowed to depart the country; however, this law was not enforced in practice.

### **Protection of Refugees**

The country is a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Its laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

On May 14, local refugee advocates complained that the government had not issued an identity card to any of the more than 300 refugees living in the country. Without the identity card, refugees were unable to seek employment.

### **Stateless Persons**

Citizenship is derived by birth within the country's territory and from one's parents. According to UNHCR statistics, there were 1,752 stateless persons in the country at the end of September. At year's end the government and the UNHCR reported that there were no stateless persons with permanent or temporary residence in the country.

## **Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government**

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice in most of the country through periodic elections based on universal suffrage. However, during the year authorities

harassed and intimidated the political opposition, misused administrative resources in favor of government-supported candidates, and restricted opposition access to public media.

In Transnistria authorities restricted the right of residents to vote in elections and interfered with the right of Moldovan citizens to vote in Moldovan elections.

The constitution provides for a form of parliamentary government. The parliament is elected by popular vote; it then elects the president by a three-fifths majority vote. The president nominates the prime minister, who in turn names a cabinet. Parliament must then approve both the prime minister and the cabinet.

Citizens and party representatives reported interference with their political activities during the year. All political parties in opposition to the incumbent PCRM complained of intimidation and pressure against local party representatives during the March and July campaigns. Reported abuses included threats of physical mistreatment, job loss and blackmail to discourage political campaigning and attendance at rallies. Opposition party leaders also accused PCRM authorities of cutting off heat and electricity to public buildings where political meetings were scheduled.

There were no developments in the June 2008 case of Mihai Tarsa, an opposition party official, who claimed that he was assaulted by the mayor of Criva for leading the signature collection effort in the village for the constitutional amendment.

## **Elections and Political Participation**

International and local observers noted that, while the April 5 parliamentary elections complied with many international standards, they were not entirely free and not fully in accordance with many international norms. Local and international NGOs reported complaints of intimidation of voters during the campaign; misuse of administrative resources by government officials; requirements that civil servants, including doctors and teachers, attend PCRM rallies; harassment of voters and opposition party candidates; barriers to the right to vote for students in the country and by citizens living overseas; and limitations on opposition parties' access to public media. Opposition parties and domestic NGOs also reported faulty voter lists, instances of multiple voting, and misuse of mobile ballot boxes to the benefit of the PCRM.

International observers, including the OSCE and Council of Europe, noted a number of shortcomings in the election process, including credible and verified allegations of police intimidation of voters and candidates; misuse of administrative resources; lack of uniformity in compilation of voter lists; an imbalance in media coverage that favored the ruling PCRM and the failure of the ACC to address the problem; and Central Election Commission regulations on media coverage that conflicted with constitutional rights of freedom of expression and access to information.

In the April 5 election, the PCRM increased its parliamentary majority from 56 to 60, leaving it one seat short of the 61 votes needed to elect a president. Following two failed attempts to elect a president, parliament was dissolved on June 15, and the government scheduled repeat elections for July 29.

International observers noted that, while the same problems existed in the repeat election as in the March-April campaign, there were some improvements in voter-list management, training of election officials and observers, and access of opposition parties to public media. On election day observers noted improvements in the efficiency of polling place management, both in the country and at polling stations at consulates and embassies abroad; in the willingness of NGO and political-party observers to challenge voter list entries; and in the publication of figures showing turnout and preliminary results.

Prior to the July 29 election, the Central Election Commission denied accreditation to many international election observers from the European Network of Election Monitoring Observers (ENEMO), including the head of the mission. After first admitting a reduced number of ENEMO observers to the country, police detained, harassed, and deported members of the ENEMO mission.

The July 29 election resulted in the PCRM losing 12 parliamentary seats. Four former opposition parties with a combined strength of 53 seats joined to create a majority coalition known as the Alliance for European Integration. There were 25 women in the 101-seat parliament. Members of ethnic Russian, Ukrainian, Bulgarian, Azeri, Jewish, and Gagauz communities were represented in parliament, and a Gagauz was elected as deputy speaker.

Under the election code, parties are prohibited from forming electoral blocs before an election and must have 6 percent of the popular vote to enter parliament, making it difficult for small parties to gain seats. The law also requires holders of dual nationality to declare their non-Moldovan citizenship before running and to give it up if they win election. The new parliament lifted the citizenship restriction on September 17.

During the country's parliamentary elections on April 5 and July 29, Transnistrian authorities aggressively blocked a polling station at the Transnistrian town of Corjova, which was technically under central government administration, thereby preventing local residents from voting.

In Transnistria authorities interfered with citizens' ability to vote. Lack of education about voting rights, lack of transparency regarding the location of polling places, restrictions on media, widespread progovernment propaganda, and complex rules for transferring one's right to vote to one's district of residence interfered with residents exercising their right to vote. Since most election monitoring organizations did not recognize Transnistria or its elections, international monitoring was conducted only on an informal basis by Russian NGOs, and it was difficult to determine whether Transnistrian elections met international standards.

During the 2006 Transnistrian "presidential" elections, authorities interfered with the electoral process and there were indications of voting irregularities. Igor Smirnov was reelected "president" after receiving 82.4 percent of the vote according to official results, while exit polls indicated that he received 63.3 percent of the vote. Transnistrian residents were expected to vote in Transnistrian elections, but in one case an individual was unable to stand freely as a candidate, while authorities prevented the tightly controlled media from reporting freely on candidates or issues.

## **Section 4 Official Corruption and Government Transparency**

The law provides criminal penalties for official corruption; however, the government did not implement these laws effectively, and various NGOs and international organizations reported corruption was pervasive throughout government and society. An April 2008 Transparency International survey revealed that 39 percent of rural citizens and 53 percent of businesspersons said they gave bribes to customs officers, police, medical and educational institutions, fiscal inspectors, courts, or utility meter readers.

Corruption in the educational system was widespread. The law provides for punishing university rectors, deans, and chairs for corrupt acts, including grade buying and influence peddling, with fines or imprisonment of two to seven years. However, the law does not apply to professors and lecturers. Ministry of Education and Youth regulations do not address corruption explicitly, and the bylaws of the major universities do not provide sanctions for cheating or bribery.

The PCRM government acknowledged that corruption was a major problem and established special law enforcement agencies, such as the Center for Combating Economic Crimes and Corruption (CCECC), and judicial units to fight corruption. However, NGOs and political party representatives asserted that authorities used these units to harass political opponents.

Although the government dismissed 140 police officers in 2007, the CCECC opened only five criminal cases against officers regarded as suspects in cases of corruption.

The law provides free public access to official information; however, the government did not fully implement the law. According to Freedom House, access to information remained limited, and laws adopted in February 2008 barred civil servants other than press officers from speaking to the media. A bill on state secrets approved by parliament in November 2008 drew criticism for its broad scope and potential conflicts with the existing law on access to information.

NGOs complained that gaining access to information required repeated, often unsuccessful, requests to authorities. Court decisions ordering release of information were not implemented fully or in a timely manner. *According to the NGO Access-Info Center, between January and August public officials frequently denied the media access to information in violation of law and procedures. Since coming into office, the new government made some improvements; however, Access-Info Center noted that full responses to information access requests remained low, averaging 24 percent, because of a lack of information management policies.*

## **Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

Domestic and international human rights groups generally operated in the country without government restriction, investigating and publishing their findings on human rights cases. Government agencies were frequently cooperative and responsive to their views. However, in the aftermath of the April 7-8 violence, many human rights organizations reported consistent monitoring of their activities, telephone interception, abusive fiscal checks, and intimidation by law enforcement bodies.

On February 3, masked men attacked representatives of several human rights organizations, including Amnesty International (AI) and Hyde Park, while they were protesting in front of the Prosecutor General's Office, punching them and spraying them with paint. Several demonstrators were injured. Despite the location of the attack, police did not intervene. After the protestors filed a complaint with police on February 4, the Prosecutor General's Office opened a criminal case and subsequently detained five persons who allegedly attacked the protestors. At year's end no further details on the incident had emerged.

On April 16, AI reported that six human rights NGOs had received letters from the Ministry of Justice requesting their position on the April 7-8 events and a description of measures they had taken to stop the violence. AI also stated that tax inspectors visited its offices on April 28 and demanded a list of persons who had paid membership fees.

On April 11, human rights NGO CREDO reported that police intimidated its members and those of several other groups that comprise the National Mechanism for Preventing Torture at the Chisinau center district police headquarters, when they attempted to visit youths arrested after the events of April 7-8. According to CREDO the deputy police commissar warned them to stop their activities, while police officials filmed the encounter.

A member of the Institute for Human Rights, an NGO that assisted victims of torture in the aftermath of the April 7-8 events, reported that he was followed by unmarked cars and persons sitting in unmarked cars parked outside the NGO's headquarters appeared to be monitoring visitors. The activist also noted technical difficulties with the organization's phones and faxes and reported evidence that his phone was tapped. For example, one day after he had called a London-based pathologist seeking assistance in investigating the death of Valeriu Boboc, the prosecutor's office called Boboc's father and promised to bring in the same pathologist to investigate the case.

In Transnistria authorities continued to impede activities of human rights groups. For example, the migration service of the "ministry of interior" frequently blocked entry into the region by NGOs seeking to meet human rights counterparts and contacts.

In February 2008 Transnistrian police arrested and interrogated Igor Gavrilov, director of the NGO Accord Travel, for illegally downloading NGO-related documents. Although Transnistrian authorities registered the organization in 2007, they warned it to halt its activities on various occasions.

Transnistrian authorities frequently limited OSCE access to the separatist region, including to the four- to eight-mile security zone dividing Transnistria from the rest of the country. The former OSCE regional office in Transnistrian-controlled Bender remained closed, and the OSCE continued to operate from an office near Bender in a government-controlled area.

The law provides for four parliamentary ombudsmen who make up the independent Moldovan Human Rights Center (MHRC). Parliament appoints the ombudsmen to examine claims of human rights violations, advise parliament on human rights problems, submit legislation to the Constitutional Court for review, and oversee MHRC operations. MHRC personnel also provided training for lawyers and journalists, visited prisons, made recommendations on legislation, and organized roundtable discussions.

During the year the ombudsmen released a report on prison and police station visits conducted in 2008, which noted violations of the procedural rights of detainees and prisoners and violations of living and health standards in prisons.

In March 2008 parliament criticized the MHRC for its failure to act more vigorously on human rights violations. According to NGOs, cumbersome and nontransparent procedures for appointing new ombudsmen created uncertainty and impeded the MHRC's ability to function effectively after one ombudsman died and the terms of two others expired. The government appointed a new ombudsman in October 2008. Between his appointment and November, the ombudsman initiated 154 complaints against the government. Members of the ombudsman's office made 115 visits to detention centers during the first nine months of the year and persuaded prosecutors to initiate cases against four prison officers allegedly involved in torture.

In Transnistria authorities continued to control and intimidate NGOs by "inviting" NGO representatives to meetings with security officials and pressuring landlords not to renew leases for office space. Authorities restricted NGOs to providing legal advice and other assistance on apolitical programs, such as domestic disputes, access for the handicapped, and pension rights. Transnistrian authorities encouraged NGOs operating in Transnistria to cooperate with Russian, Abkhazian, and South Ossetian organizations rather than western NGOs and those operating in the rest of Moldova.

## **Section 6 Discrimination, Societal Abuses, and Trafficking in Persons**

The law prohibits discrimination based on race, gender, disability, ethnicity, or social status; however, the government did not always enforce these prohibitions effectively.

### **Women**

The law criminalizes rape or forcible sexual assault; penalties range from three years to life in prison. The law also addresses spousal rape.

Rape remained a problem, and there were no specific government activities to combat rape. During the year prosecutors opened 260 criminal cases of rape. Of these cases, 66 were dismissed and 115 were forwarded to courts for trial. In 11 of these cases, prosecutors sought prison sentences. NGOs believed that many rapes were not reported.

The law defines domestic violence as a criminal offense, provides for punishment of perpetrators, defines mechanisms to obtain restraining orders against abusive individuals, and extends protection to unmarried individuals and children of unmarried individuals. The law also allows the possibility of granting protective orders obliging the perpetrator to stay away from the victim; provides for cooperation between public administration and civil society organizations; establishes the protection of the victim as a human rights principle; and allows the possibility for third parties to file complaints. According to the local NGO La Strada, there are no government standards for the quality of services or for the identification, assessment, or monitoring of domestic violence cases.

Domestic violence against women and spousal abuse remained widespread problems. A 2008 survey indicated that at least 40 percent of women in the country had been victims of a violent act at least once in their life. Domestic violence was closely linked to human trafficking. According to local NGOs, at least 80 percent of trafficking victims had previously been victims of domestic violence.

Victims of domestic violence generally endured in silence, as the problem received little recognition from government, society, or women themselves. Unless such violence resulted in serious injuries, it was accepted as a normal aspect of private life by both men and women and not considered a problem warranting legal intervention.

Women's groups continued to assert credibly that incidents of spousal abuse were underreported. According to the Interior Ministry, 2,519 cases of spousal abuse were reported in 2007; in 2006, 2,855 domestic violence complaints were reported. The actual numbers were believed to be much higher.

The government supported education efforts, usually undertaken with foreign assistance, to increase public awareness of domestic violence and to instruct the public and law enforcement officials in ways to address the problem. The city of Chisinau operated a women's shelter for victims of domestic violence. Private organizations operated services for abused spouses, including a hotline for battered women. Access to such assistance remained difficult for some. La Strada reported that, because of cultural concerns, a large majority of domestic violence victims it interviewed did not request assistance for specialized services.

Following a July 2008 visit, the UN special rapporteur on violence against women noted that government officials and public authorities did not recognize violence against women as a systemic problem; rather, they treated such assaults as a single law enforcement event. Police failed to intervene effectively in cases of violence against women. There was insufficient care available for victims and only one shelter where victims and their children could seek refuge. In Transnistria there is no law prohibiting violence against women.

Prostitution is punishable by a fine of 50 to 75 euros (approximately \$72 to \$107) or administrative arrest for up to 20 days. Pimping is a crime with penalties ranging from two to seven years in prison. Advertising prostitution in the media is punished with a fine of 150 euros (approximately \$215).

Sex tourism existed, and the government failed to implement laws or programs to prevent it. The International Organization for Migration (IOM) worked to raise awareness of the problem among hotel staff and owners. The NGO La Strada reported that during the year authorities attempted to reduce demand for prostitution by raiding saunas and hotels and by checking the identification and purpose of visit of foreigners, particularly those observed accompanying women after 10:00 p.m.

Trafficking in women for commercial sexual exploitation continued to be a problem, although according to IOM, there were fewer identified victims during the year than in previous years, and the average period of exploitation for victims had also declined. Both law enforcement agencies and NGOs reported that over the last decade, the number of identified trafficking victims steadily declined, so that the number of identified victims during the year was approximately half of what it was in 2000. Greater awareness on the part of potential victims as a result of public awareness programs could have led some to be more prudent, while simultaneously, remittances from abroad may have decreased the economic necessity driving some potential victims to leave home. Additionally, with so many



persons already abroad, the pool of potential victims may have declined. According to IOM the average time victims were trafficked for the purpose of sexual exploitation, decreased from one to two years to four months. According to IOM the pattern of trafficking has also changed, so that many victims were believed to be more frequently recruited abroad, paid small amounts of money, allowed to contact their families and are given greater freedom of movement.

The law does not prohibit sexual harassment, but it was a common problem.

The government adopted laws and implemented policies to increase the birthrate by ensuring free obstetric and postpartum care to all citizens and also by paying child benefits (approximately \$120 for first child in a family, and approximately \$150 for each subsequent child). Applying to receive child benefits was sometimes difficult because of excessive bureaucracy, but no cases of denial of payment have been reported. The mandatory (state) medical insurance program covered all expenses related to pregnancy, birth, and postpartum care. During pregnancy the government provided essential medicines free of charge.

Most medical institutions, both state and private, had free-of-charge booklets and leaflets about family planning and contraception.

There were no reports of women discriminated against when diagnosed with or treated for sexually transmitted infections, including HIV.

There were reports that some employers failed to provide women with paid maternity leave or threatened pregnant women with termination of employment.

There were no reports of Romani women being denied obstetrical, childbirth or postpartum care. However, many Romani women failed to take advantage of free government-administered medical care during pregnancy. There was no reliable information on Romani access to contraception.

The law provides for full gender equality. The National Bureau of Statistics reported women experienced higher levels of employment than men. Women earned approximately 85 percent of what men earned for equal work. According to an EU report released in April 2008, the country's implementation of a 2006 law on equal opportunities for men and women was slow. In some cases especially in rural areas, women encountered strong patriarchal attitudes and deep-rooted stereotypes that served to perpetuate the subordinate position of women in the family and in society.

## **Children**

Citizenship is derived from one's parent(s). Registration of birth is free of charge for all citizens. In April the government began enforcing a new law that simplified birth registration procedures by establishing civil registration offices within maternity hospitals which issue birth certificates before the mother and newborn are discharged from the hospital. Prior to its abolition of the practice on November 25, the government issued optional free-of-charge identity cards for newborns if parents requested them.

Primary education was free and compulsory until the ninth grade, although many inadequately funded schools, particularly in rural areas, charged parents for school supplies and textbooks. Although they were not illegal, such fees contradicted the government's policies and resulted in some parents keeping their children home. Government and local authorities provided 300 lei (\$29) for school supplies annually to children from vulnerable families. The Romani organization Vocea Romilor reported that 2,800 Romani children were unable to attend school because of poverty.

The law prohibits child neglect and specific forms of abuse, such as forced begging; however, child abuse was believed to be widespread. By December 1, law enforcement agencies opened 405 cases for crimes against children, including 97 cases of sexual abuse, 20 cases of serious bodily injuries to children, and 10 cases of premeditated murder. The Interior Ministry is responsible for investigating and prosecuting child sexual abuse cases, but declined to release statistics on the scope of the problem.

According to the Ministry of Social Protection, Family, and the Child, efforts to protect children from abuse were hampered by inadequate victims' services, lack of reliable methods to track cases, and insufficient legal mechanisms to prevent such abuse or to provide special protection to victims. According to the ministry, more than 25 percent of minors admitted to being beaten by their parents, 20 percent said they experienced parental verbal abuse, and 15 percent said they lacked food and care. Approximately 10 percent of parents admitted to emotionally or physically abusing their children.

During the year there were reports of cases of child prostitution. Commercial sex with minors is punished as statutory rape. The minimum age for consensual sex is 16. The law prohibits production, distribution, broadcasting, import, export, sale, exchange, use, or possession of child pornography, and violators face one to three years' imprisonment. Trafficking of children for the purpose of commercial sexual exploitation and begging remained a serious problem. According to the Center for Combating Trafficking in Persons (CCTIP), 19 cases of trafficking of minors were opened during the first 11 months of the year. Police forwarded 16 cases to prosecutors, and prosecutors referred nine to courts for trial. The Justice Ministry reported that five persons (in eight criminal cases) were sentenced to imprisonment for child trafficking during the year.

Conditions for children in orphanages and other institutions remained generally very poor. Underfunding caused major problems such as inadequate food, "warehousing" of children, lack of heat in winter, and disease. NGOs estimated that some 25 percent of the children in orphanages actually had one or two living parents, but they were abandoned when parents left the country in search of employment. Observers estimated that approximately one third of children lived in households where one or both parents had left the country in search of work. Such children often lived in poverty and were particularly vulnerable to trafficking and labor exploitation.

Various government ministries ran their own orphanages and boarding schools. The Ministry of Labor, Social Protection, and Family maintained two boarding schools with a population of 675 children with disabilities and three asylums providing temporary shelter (for up to one year), counseling, and other assistance to up to 110 children from socially vulnerable families. The Ministry of Education oversaw 19 boarding schools with 5,932 students and two orphanages with 137 children. The ministry reported that 35 percent of the children in its care were orphans or abandoned. The other 65 percent came from socially vulnerable families in which parents were unable to maintain even basic living conditions. The Education Ministry also supervised 42 institutions for children with disabilities,

housing up to 5,487 children.

## **Trafficking in Persons**

The law prohibits trafficking in persons for all purposes and provides for criminal penalties; however, trafficking was a serious problem, and the country remained a source, and to a lesser extent, a transit and destination point for trafficked persons, particularly women and girls trafficked for commercial sexual exploitation and men trafficked for forced labor.

Women and children were trafficked for sexual exploitation to Turkey, Israel, the United Arab Emirates, Ukraine, Russia, Cyprus, Greece, Albania, Romania, Hungary, Slovakia, the Czech Republic, Austria, France, Italy, and Portugal. Men and children were trafficked to Russia and neighboring countries for forced labor and begging. The trafficking of men for work in the construction, agriculture, and service sectors was an increasing problem. Of the approximately 900,000 citizens working abroad, slightly less than 1 percent were believed to be victims of trafficking. The country was to a lesser extent also a transit point for trafficked victims from Ukraine. There were reports of some internal trafficking of girls from rural areas to Chisinau.

Some traffickers used false newspaper advertisements promising well-paying jobs abroad to attract victims. NGOs working with trafficking victims noted that, in recent years, face-to-face contact, most frequently with friends or relatives who have worked abroad, had become the leading means of recruitment. Anecdotal evidence indicated that traffickers offered some female victims their freedom if they recruited a friend or relative to work in the sex trade. The International Labor Organization (ILO) reported that, in many cases, traffickers of children were Roma.

Victims were transported across borders by car, van, train, or on foot. Sometimes false documents were used, but increasingly victims traveled willingly by plane with valid documents, believing that they were headed for legitimate jobs. Travel and employment agencies remained some of the principal channels for trafficking and other forms of illegal migration.

In the first nine months of the year, IOM reported that it had assisted 102 victims of trafficking, of whom 43 were victims of sexual exploitation and 37 were victims of labor exploitation. This compared to 158 victims assisted in 2008. The Ministry of Labor, Social Protection, and Family reported that it had assisted 59 victims and 118 potential victims through the national referral system during the same period.

CCTIP reported a growing number of victims willing to cooperate in criminal proceedings and an overall decrease in number of victims, declining from 271 in 2008 to 189 during the year.

During the year the Interior Ministry reported that it conducted 15 raids to inspect 16 travel and employment agencies; it suspended the licenses of five agencies and withdrew the licenses of nine agencies for suspected trafficking. Authorities opened eight criminal cases against travel agencies, eight cases against employment agencies, and one case against a sports club.

In the first 11 months of the year, CCTIP reported that authorities had opened 179 trafficking-related cases and 19 additional cases involving trafficking in children. Of these 94 cases of trafficked adults and nine cases involving

children were forwarded to courts. During the year the Justice Ministry reported 60 persons sentenced to imprisonment for trafficking in 57 criminal cases.

For example, in February a Cantemir court sentenced Violeta Gorceag and Cristian Botusneanu to 10 years' imprisonment for trafficking a woman to Turkey. In March a Chisinau court sentenced Brian Deacon, a United Kingdom citizen, to seven and a half years' imprisonment for sexual molestation of children. In March the Chisinau Court of Appeals sentenced a young woman to six years and eight months' imprisonment for trafficking a woman to Turkey.

In June a Chisinau court sentenced a young woman to 10 years' imprisonment for trafficking two minors to Turkey. In July the Court of Appeals sentenced Marin Cernei to seven years' imprisonment for trafficking two young women to the Russian Federation. Following an intervention by prosecutors, the court of appeals upgraded this case from conviction for pimping to conviction for trafficking in persons.

In October a Chisinau court sentenced Alexandr Plohotniuc, residing in Transnistria, to seven years' imprisonment for attempting, as part of a criminal network, to traffic a Ukrainian woman to Turkey for sexual exploitation under the pretense that she would work there as a shop assistant.

The law provides criminal penalties for trafficking ranging from seven years to life imprisonment, depending on the circumstances and severity of the offense. During the year the government reduced the length of all trafficking-related criminal penalties in an effort to harmonize local law with EU standards. For example, the government reduced the punishment for trafficking from seven to 15 years to five to 12 years; for repeat or aggravated trafficking, the punishment was reduced from 10 to 20 to seven to 15 years. Penalties for child trafficking in were reduced from 10 to 15 to eight to 12 years.

There were continued anecdotal reports that both low- and high-ranking government officials, as well as border guards and police officers, were involved in trafficking. International organizations and foreign governments criticized the government for making insufficient efforts to investigate, prosecute, convict, and sentence complicit officials. In 2008 prosecutors began criminal investigations into allegations that former Interior Ministry antitrafficking employees protected some criminal networks under investigation; those investigations continued during the year. While there were no new cases opened during the year, in October CCTIP requested that prosecutors reopen their investigation into a former head of the CCTIP.

In June 2008 then-president Voronin accused the CCTIP of having a poor record, stating that some employees protected criminal schemes that trafficked citizens abroad and failed to file or close cases in exchange for monetary compensation. In July 2008 the president appointed a new CCTIP director and temporarily suspended CCTIP staff, pending reinvestigation of employees. Of the 63 staff members investigated, only 18 elected to stay or were retained. One of the staff members who departed was under investigation for possible corruption. In September 2008 the government announced the restructuring of the center, increasing its staffing.

The Interior Ministry reported that, during the first 11 months of the year, it investigated and closed 40 illegal migration and trafficking networks. Of that number nine networks trafficked for sexual and labor exploitation; seven for external pimping; six for illegal movement of children out of the country; and 18 for organizing illegal migration.

In 2008 the National Referral System for Protection and Assistance of Victims and Potential Victims of Trafficking (NRS) began operating in 16 regions and two municipalities, offering protection and assistance to victims and potential victims of trafficking. The NRS trained local specialists in skills such as direct contact with the victims, their reintegration into their family and society, and the prevention of societal stigmatization. During the year the NRS was expanded to include 23 regions, two municipalities and one town. During the first 11 months of the year, NRS referred 59 victims (compared to 24 in 2008) and 118 potential victims (compared to 34 in 2008) to assistance providers.

Antitrafficking NGOs noted that no special protection measures were available to child trafficking victims; there were no special interviewing rooms, and children were often interviewed as many as 10 times, often being confronted by the alleged trafficker.

The government did not provide any funding to antitrafficking NGOs; such NGOs were supported by grants from foreign institutions and governments.

According to the IOM, the government increased its financing of the Center for Rehabilitation of Victims of Trafficking from 512,000 lei (approximately \$46,500) in 2008 to 680,000 lei (approximately \$61,800) during the year. The government provided free national identity and health insurance cards and free access to vocational training programs to victims of trafficking.

There is a government regulation on the repatriation of trafficked persons and victims of illegal migration that has special provisions for minors, victim protection, rehabilitation, and monitoring. According to antitrafficking NGOs, the government had in some cases provided free passports to trafficking victims abroad, repatriation, police protection, reception by social workers at the point of entry into the country, and rehabilitation and vocational assistance. The role of government in victim assistance increased during the year because of the consolidation and extension of the NRS, but it continued to rely on NGOs and international organizations for victim assistance and actively cooperated with NGOs. Several NGOs offered repatriation assistance, temporary housing, medical care, and job training for victims. The NGO Save the Children worked with trafficking victims, particularly repatriated girls. Local NGO La Strada provided informational and educational services as well as a national toll free hotline. IOM continued a public information program aimed at helping citizens going abroad to avoid exploitation. Local NGOs also operated public school programs to educate young women about the dangers of prostitution.

The government participated in international conferences designed to increase multilateral effectiveness in dealing with trafficking, frequently in collaboration with law enforcement officials from neighboring countries and other European governments.

There were continued reports of trafficking from and through the separatist region of Transnistria. The only major effort in the region to combat trafficking and provide assistance to victims was by the Transnistrian NGO Interaction, which maintained a trafficking hotline. According to Interaction Transnistrian authorities did not take any action to combat trafficking in persons. In contrast to previous years, Interaction reported a drop in trafficking in the region. On April 1, Interaction opened a second hotline to assist victims of domestic violence in Transnistria. Through year's end the hotline received nearly 1,000 calls, including calls for information, 206 emergency calls from trafficking victims or their relatives, and calls from international organizations dealing with trafficking problems. Interaction also

provided emergency assistance, help in resettlement, and psychological counseling to victims, close to half of whom were 16 to 18 years old. Transnistrian authorities neither helped nor hindered Interaction's activities.

On November 9, the new government convened its first meeting of the National Committee for Preventing Trafficking in Persons, chaired by Prime Minister Filat, who appointed Foreign Minister Iurie Leanca to lead the committee. The Department of State's annual *Trafficking in Persons Report* can be found at [www.state.gov/g/tip](http://www.state.gov/g/tip).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to public facilities, healthcare, or the provision of other state services; however, the government generally did not enforce the law. The local NGO Gaudeamus reported continued widespread discrimination against students with disabilities.

The government has national strategies for reforming the residential childcare system and rehabilitating and integrating persons with disabilities, but it did not provide funding to implement them.

Government regulations mandate access to buildings for persons with disabilities; with few exceptions most government buildings provided such access. While most newly built or reconstructed buildings had such access, few older buildings provided it. The government also provided few resources to training persons with disabilities. The Social Assistance Division in the Ministry of Social Protection, Family, and Child, and the National Labor Force Agency are responsible for protecting the rights of persons with disabilities.

In June 2008 officials estimated that the number of persons with disabilities in the country was more than 170,000 and growing and noted that government assistance did not satisfy their needs. The ILO attributed this increase to greater public awareness. The director of the Center for Services for Students with Disabilities stated that the structure of educational institutions and the lack of materials for teaching persons who are deaf or blind exemplified the government's failure to meet the needs of persons with disabilities.

In Transnistria children with disabilities and special educational requirements rarely attended school and lacked access to specialized resources.

Although the law provides for equal employment opportunities and prohibits discrimination against persons with disabilities (with the exception of jobs where certain health conditions are required), in practice many employers failed to provide accommodation to persons with disabilities and avoided employing persons with disabilities.

### **National/Racial/Ethnic Minorities**

Roma were subject to violence, harassment, and discrimination. Romani NGOs reported that Roma were denied medical services, told that promised jobs were already filled when they reported to employment centers, and subjected to arbitrary arrests. Roma were the country's poorest minority group and continued to live in unsanitary conditions in segregated communities lacking basic infrastructure. These conditions often led to segregated education and schools with even fewer resources than existed elsewhere in the country. Many Romani children did

not attend school, very few received a secondary or higher education, and the government did not provide education in the Romani language. Romani NGOs estimated that 80 percent of Romani children were illiterate. According to a 2007 UNDP report, 43 percent of Romani children between the ages of seven to 15 did not attend school, compared with approximately 6 percent of non-Romani children. On March 24, the Roma Association reported that 2,800 Romani children were unable to attend school because of poverty.

Official statistics put the number of Roma at 11,600. However, Romani NGOs estimated it to be 250,000, including 100,000 persons of voting age. NGOs asserted that government census forms allowed persons to identify only with one ethnic group, and that many Roma declined to identify themselves as Roma.

In Transnistria authorities continued to discriminate against Romanian speakers. Under a temporary arrangement, the Transnistrian authorities allowed eight Latin-script schools under the Moldovan Ministry of Education to operate in Transnistria. School employees complained that authorities could arbitrarily rescind the arrangement--which applied to all Latin-script schools--at any time. Approximately 7,700 children in the region attended these eight Latin-script schools. The situation was more difficult for approximately 26 "Moldovan language" Cyrillic-script schools that operated under the Transnistrian Ministry of Education. Authorities failed to fund those schools sufficiently, and did not supply them with sufficient numbers of Cyrillic-language books. Although lacking books and other supplies, school principals declined to accept donations of books from the Moldovan government because of pressure and threats from Transnistrian authorities.

In August 2008 Transnistrian police in Dubasari summoned the director of the Romanian-language (Latin script) Harmatca school after an NGO initiated a fundraising drive to repair the building and prepare it for the upcoming school year. Police interrogated him about the July fundraising events and prohibited him from participating in the campaign to collect funds and equipment. Police also threatened and intimidated other school officials. As a result of the intimidation and threats, school authorities refused further contacts with NGOs.

At year's end negotiations between the central government and local Transnistrian educational authorities on the operation of Romanian-language schools had not resumed, nor was there progress on returning the confiscated school buildings of the Evrica high school in Ribnita and the Stefan cel Mare high school in Grigoriopol. The Evrica high school continued to meet in temporary rented quarters after authorities confiscated its building after the central government finished its construction in 2004. During the year three parents complained of intimidation and threats that they would be dismissed from their jobs if they sent their children to Evrica. Classes were often interrupted by unknown persons who broke windows. Transnistrian authorities and police repeatedly failed to identify the perpetrators. The central government provided Grigoriopol students with transportation and facilities in the government-controlled town of Dorotcaia.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There were reports of governmental and societal discrimination based on sexual orientation. According to the gay rights NGO GenderDoc-M, lack of community recognition, negative media portrayals, and condemnation by the Orthodox Church often led to public ostracism of lesbian, gay, bisexual, and transgendered (LGBT) persons, and their families.

In recent years public officials spoke out against homosexual conduct. In a speech before parliament in May 2008, then-deputy speaker Iurie Rosca stated that citizens should respect personal privacy and the freedom to choose sexual orientation, but reject "public displays" of homosexual behavior. He noted that parades and such "public displays" have a negative effect on children's psychological and moral development.

During a May 2008 pride parade organized by GenderDoc-M, security forces observed from a distance as hundreds of persons aggressively blocked the bus carrying GenderDoc-M participants. Police failed to address emergency calls from the participants. According to one participant who called the police emergency line, a police officer stated, "Yes, we know you are being attacked; what do you want us to do about it?" Although the Chisinau mayor's office initially approved the group's plan for the march, Mayor Dorin Chirtoaca withdrew permission, claiming that he did so to avoid violence.

In May 2008 Chisinau municipal authorities prohibited GenderDoc-M from holding a protolerance, antidiscrimination rally. Authorities based the denial on the need to avoid societal tensions and religious organizations' disapproval of homosexual conduct.

In light of the problems in 2008 and the heightened tensions following the April elections, the LGBT community canceled plans for a public demonstration on May 7 and instead held a festival at a local nightclub without incident. In Transnistria homosexual activity is illegal, and LGBT persons were subject to governmental and societal discrimination.

### **Other Societal Violence or Discrimination**

Several NGOs reported instances of discrimination against persons with HIV/AIDS, particularly in rural villages.

## **Section 7 Worker Rights**

### **a. The Right of Association**

The law provides workers the right to form and join independent unions and conduct their activities without government interference; however, this right was not always respected in practice. Some unions were unable to register to gain full legal status since by law, only national, sectoral, and intersectoral level trade unions may acquire status as a legal entity. Approximately 50 percent of the workforce was unionized. Civil servants, police, and members of the military, are forbidden by law from joining unions.

In February 2008 delegates from 30 workplace organizations convened in Chisinau to establish the Trade Union Association of Public Administration and the Civil Service. However, the Ministry of Justice refused to register the new trade union, asserting that the district organizations of the 30 entities had not been registered. Labor rights groups noted that the law requires only national registration and makes no provision for registration of district trade union associations. In November 2008 the Supreme Court upheld the denial of registration. This decision was criticized by the International Trade Union Confederation and other international and domestic labor rights organizations.



The law does not provide sanctions for violations of freedom of association, and labor organizations reported that labor inspectorates and prosecutors' offices failed to monitor and enforce the right to organize effectively.

The law provides for the right to strike, except for government workers and workers in essential services such as law enforcement. Healthcare providers and public utility employees were not allowed to strike during duty hours. Political strikes are prohibited. Compulsory arbitration may be imposed at the request of only one party to the conflict.

Workers exercised this right by conducting legal strikes during the year.

#### **b. The Right to Organize and Bargain Collectively**

The law provides for collective bargaining and the right to organize; however, the government did not always respect these rights in practice.

The law does not stipulate penalties for violating trade union rights. As a result prosecutors may reject appeals by trade unions alleging antiunion behavior by employers and the government; violations of the trade union law remained unpunished.

In March 2008 the government ignored a request by the Education and Science Trade Union (ESTU) to enter into collective bargaining in favor of a salary increase. In September 2008 ESTU organized a picket line in front of government buildings in protest. Since coming into office, the new government announced that teachers would be the only government employees to receive a scheduled annual salary increase.

There are no special laws or exemptions from regular labor laws in export processing zones.

#### **c. Prohibition of Forced or Compulsory Labor**

The law prohibits forced or compulsory labor, with exceptions. The law and a government decision allow central and local authorities as well as military bodies to mobilize the adult population under certain conditions and employ such labor to develop the national economy. However, the government did not invoke this provision during the year. Men, women, and children were trafficked for commercial sexual exploitation and forced labor. Children, the elderly, and persons with disabilities were trafficked for begging, primarily to Moscow and other large cities in Russia.

The NGO Pacifists without Borders accused military centers and conscription commissions of violating the rights of the persons who have reached the age of conscription for military service (18 years). The NGO stated that, to reach conscription targets, military centers and conscription commissions declared some men to be physically and mentally fit for conscription without medical examinations and without taking into account their beliefs and values.

The law prohibits forced or compulsory child labor. On several occasions during the autumn harvest, the ombudsman responsible for children investigated reports of children working in fields and vineyards; she sent the children back to their schools, and threatened school authorities with fines.

#### **d. Prohibition of Child Labor Practices and Minimum Age for Employment**

The law sets standards for child labor, including the minimum age for employment, hours of work, and working conditions, and prohibits the worst forms of child labor; however, the government did not effectively enforce these protections, and child labor was a problem. Parents often sent children to work in fields or to find other work, and those children living in rural areas often assisted in the agricultural sector. According to a 2007 ILO report, two-thirds of rural children were engaged in farm work by the age of 14. There were also reports that farms and agricultural cooperatives signed contracts with school directors to have students help with harvesting during the high season in autumn; the children were paid for the work.

The minimum age for unrestricted employment is 18. Persons between the ages of 16 and 18 are permitted to work under special conditions, including shorter workdays; no night, weekend, or holiday shifts; no overtime; and longer vacations. Fifteen-year-old children are permitted to work if they obtain written permission from a parent or guardian. There were reports that children were trafficked within and to points outside the country for commercial sexual exploitation, labor, and begging. The law provides for 10 to 15 years' imprisonment for persons involving children in the worst forms of child labor; under aggravated circumstances the sentence could be life imprisonment. Efforts by the Labor Inspectorate Office (LIO) to enforce child labor laws did not deter violations. In 2008 labor inspectors discovered violations at 26 enterprises involving 184 cases of employees under the age of 18. At 10 businesses inspectors found 89 persons without work contracts, employment orders, or records of working hours. The most common violations involving persons under age 18 concerned failure to issue work contracts, illegal overtime, scheduling work during school hours, and underpayment or nonpayment of wages. In 2007 the LIO reported that of 371 child labor cases it investigated, 298 cases concerned hazardous work conditions. Fifteen of these cases were deemed abusive and involved children working cultivating mushrooms, assembling boxes for agricultural goods, and smoking fish. The cases classified as nonabusive but hazardous involved children working without medical checks; children working evenings, late, or extended hours; and children under the age of 16 years working without parental consent. According to the LIO, during the first six months of 2008, it had investigated 96 child labor cases out of 4,061 inspections. Children also worked illegally in the production of factory goods such as clothing, toys, and automobile electrical parts. Children also commonly worked in theaters, car washes, and in carpentry, agriculture, trade, and transportation.

#### **e. Acceptable Conditions of Work**

The legal minimum monthly wage was 400 lei (\$38) per month. The minimum wage was set by the government in yearly consultations with trade unions and employer associations. If the government takes a decision to revise the minimum wage, it sets a new minimum wage taking into account basic macroeconomic indicators, the consumer price index, and average wages. According to the law, no employer (whether state or private) may pay wages below the official minimum salary. The minimum salary set by the government is the basic pay rate and cannot include premium pay. According to the National Bureau of Statistics, the average gross salary was 2,686 lei (\$243) per month. The government estimated that the minimum living wage was 1,315 lei (\$126). Average disposable income was only 1,094 lei (\$105) per month. The LIO is responsible for enforcing the minimum wage, but it did not do so effectively during the year. The government as well as private sector employers often did not pay wages on time. The law sets the maximum workweek at 40 hours with extra compensation for overtime and provides for at least one day off per week. LIO field visits led to the sanctioning of violations when discovered, but staff and funding deficiencies limited the frequency of such visits. While the country had few foreign or migrant workers, the law provides them equal status to domestic workers.

A thriving informal economy and black market accounted for a majority of the country's economic activity, which helped explain unrealistically low income statistics. In 2008 analyst Veaceslav Ionita estimated that there was a turnover of an estimated 50 billion lei (approximately \$4.8 billion) in the informal economy and that, while official statistics indicated only 620,000 persons of the 2.3 million person labor force were officially employed, more than 1.2 million persons were actually working.

Under the labor code, work contracts must be concluded even by private farmers, who have to register them with the mayor's office and send copies to the local labor inspectorate. However, there were no reports of such contracts being concluded, and the central government did not have a mechanism to monitor compliance with this requirement. The government is required to establish and monitor safety standards in the workplace, and the LIO was responsible for enforcing health and safety standards. During the first four months of 2008, the LIO conducted 4,061 health and safety inspections. The Prosecutor General's Office accused the LIO of limiting its activity to finding violations, while failing to undertake measures necessary to ensure future compliance. Monitoring carried out by prosecutors revealed that the most frequent violations were related to citizens' rights to work (including reasonable conditions of work and right to a paid vacation), payment and labor protection, and social and medical assistance.

According to a September report by the National Bureau of Statistics, during 2008, 21,750 workers, including more than 6,000 teachers, were working in unsanitary conditions, an increase of approximately 3,000 over 2007. Examples of unsanitary conditions include lack of heating in winter and lack of water supplies in some rural areas. Women represented 50 percent of the persons working in unsanitary conditions. The number of employees engaged in hard labor fell from 1,692 in 2006 to 1,371 in 2008.

In September the National Bureau of Statistics reported that the number of workplace accidents decreased from 1,946 in 1996 to 540 in 2008.

The law provides workers the right to refuse work if conditions represent a serious health or safety threat; there were no reports that workers exercised this right in practice. Poor economic conditions led enterprises to economize on safety equipment and provide inadequate attention to worker safety.

\*Unless otherwise noted, all references in this report exclude the secessionist region of Transnistria